



# **ZONING ORDINANCE OF THE BOROUGH OF HANOVER**

## **Ordinance No. 2310**

**JUNE 2021**

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## ARTICLE I: AUTHORITY, TITLE, PURPOSE, AND LEGAL SCOPE OF REGULATIONS

### § 140-100. Authority.

This Ordinance is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code.

### § 140-101. Title.

This Chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of Hanover."

### § 140-102. Purpose of Enactment.

This Zoning Ordinance is enacted for the following purposes:

- A. To promote, protect, and facilitate public health, safety, morals, general welfare, the provision of adequate light and air, and other public requirements;
- B. To prevent overcrowding, blight, or the loss of health, life, or property from fire, flood, or other dangers;
- C. To adopt a Zoning Map dividing the Borough of Hanover into zoning districts with varying regulations to regulate the location, type, and intensity of the use of land, and the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of buildings and structures, as well as yards and other open areas to be left unoccupied;
- D. To provide residential housing of various dwelling types and encourage adaptive reuse and infill development reflecting the scale, uses, and context of existing neighborhoods;
- E. To provide for the protection of natural and historic features and resources;
- F. To promote innovation and flexibility in land use development and design;
- G. To facilitate adequate provision of transportation, water, sewerage, drainage and other infrastructure;
- H. To provide procedures for the orderly review and permitting of proposed projects, and to provide for certain special exceptions and conditional uses;
- I. To carry out the goals and objectives of the Hanover Borough-Penn Township Comprehensive Plan; and
- J. To achieve the purposes set forth in the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended.

### § 140-103. Applicability.

- A. Any of the following activities or any other activity regulated by this Chapter shall only be carried out in conformity with this Chapter and only after the lawful issuance of all permits and certificates required by this Chapter:
  - 1. Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, or extension (vertical or horizontal) of a structure, building, or sign.

2. Change of the type of use or expansion of a use within a structure, building or area of land.
  3. Creation of a lot or alteration of lot lines.
  4. Creation of a new use.
- B. All conditions and safeguards attached by an appropriate reviewing body to an approval for a conditional or special exception use, or for an approved variance, shall carry the same force of law as the provisions in this Chapter.
- C. Except as otherwise provided for in Article VII, non-conforming lots, uses, structures, and signs shall be subject to all regulations of this Chapter.
- D. Municipal Uses Exempted. The requirements of this Chapter shall not apply to uses or structures owned by the Borough of Hanover nor to uses or structures owned by those municipal authorities authorized or created by it to provide governmental or public health and safety services. The requirements of this chapter do not apply to private uses permitted by the Borough of Hanover, or its authorized municipal authorities, to be conducted on, upon, or in Borough/Authority land or structures.
- E. Regardless of any other provision of this Chapter, all uses, structures, lots, and signs shall be used and no structure erected or maintained in violation of any state or federal law or regulation.

**§ 140-104. Municipality Liability.**

The granting of a permit for the erection and/or use of a structure, building or lot shall not constitute a representation, guarantee or warranty of any kind or nature by the Borough of Hanover, or an official or employee, thereof, of the safety of any structure, building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto

**§ 140-105. Severability.**

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

**§ 140-106. Repealer.**

The pre-existing Hanover Zoning Ordinance, as amended, is hereby expressly repealed; provided, further that nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance. All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent herewith by virtue of references or incorporation of requirements contained in the pre-existing Zoning Ordinance as amended shall, as nearly as possible, be construed to reference this Ordinance.

**§ 140-107. Effective Date.**

This ordinance shall take effect upon its enactment by the Hanover Borough Council.

## ARTICLE II: INTERPRETATION AND DEFINITIONS

### § 140-200. Interpretation of Regulations.

- A. In interpreting and applying the provisions of this Chapter, the provisions shall be held to be the minimum requirements for the promotion of health, safety, morals and general welfare of the Borough of Hanover.
- B. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all the regulations of the zoning district in which it is located and with all other pertinent regulations of this and other related ordinances. The interpretation of the regulations of this chapter shall be such that whenever these requirements are at variance with each other or with any other lawfully adopted rules, regulations, or ordinances, the most restrictive requirements or that imposing the higher standards shall govern.
- C. This Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, or restrictions or reservations contained in deeds or other agreements, but if this Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than are elsewhere established, the provisions of this Ordinance shall prevail.
- D. The Zoning Officer shall strictly apply the wording of this chapter and the location of all district boundaries to particular applications. In the case of uncertainty by the Zoning Officer, he shall request an interpretation of his specific uncertainty by the Zoning Hearing Board, with the applicant not liable for the application fee for that particular request. An applicant may appeal a determination by the Zoning Officer to the Zoning Hearing Board, in compliance with Article XVIII and the Borough fee schedule.
- E. Per Section 603.1 of the Pennsylvania Municipalities Planning Code, as amended, in interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the adopted language, in favor of the property owner and against any implied extension of the restriction.
- F. Uses not specifically regulated. Whenever a use clearly is not permitted by right, by conditional use or by special exception by this chapter anywhere in the Borough, the use is prohibited in the Borough, except that the applicant may apply to the Zoning Hearing Board to permit such use as a special exception.

### § 140-201. Word Usage.

The words included in this Article are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

- A. Words used in the present tense include the future.
- B. The singular includes the plural, and the plural the singular.
- C. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended," "arranged," "intended," "maintained", or "designed" to be used or occupied.
- D. The word "erected" shall be inclusive of the words "constructed, altered or moved".
- E. The word "person" includes an individual, a corporation, a partnership, an incorporated

association, or any other similar entity.

- F. The word "includes" or "including" shall not limit the term to the specified example but is intended to extend its meaning to all instances of like kind and character.
- G. The terms "shall and will", "will" and "must" are always mandatory. The words "should" means that it is strongly encouraged but not mandatory. The word "may" is permissive.
- H. The masculine gender shall include the feminine and neuter, and vice versa.
- I. If a word is not defined in this chapter but is defined in the Borough Subdivision and Land Development Ordinance,<sup>11</sup> the definition in the Subdivision Ordinance, as amended, shall be used.
- J. Any word or term not defined in this chapter or the Borough Subdivision and Land Development Ordinance shall be used with the meaning of standard usage within the context of this section.

#### § 140-202. Definitions.

**Abandonment:** The relinquishment of property, or a cessation of the use of the property, with the intention neither of transferring rights to the property of another owner nor of resuming the use of the property.

**Abutting, Adjoining:** Buildings which physically touch. Sharing all or part of a lot line or zoning district line in common.

**Access:** A way or means of approach to provide vehicular or pedestrian physical entrance and exit to a property.

**Accessory Structure or Building:** A structure or building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental and subordinate to the main building.

**Accessory Use:** A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

**Activity:** The use of land for a specific purpose.

**Adaptive Reuse:** The development of a new use for an older building or for a building originally designed for a special or specific purpose.

**Addition:** Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

**Adult Day Care:** A use that involves the out-of-home care and supervision of persons who are primarily over age 17; who are elderly, or physically or mentally handicapped.

**Adult Regulated Facilities:** An adult arcade, adult bookstore, adult novelty store, adult cabaret, adult theater, escort agency, nude model studio, or sexual encounter or mediation center, as defined below:

- A. Adult Arcade – Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained, not located within viewing booths, to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified

anatomical areas”.

- B. Adult Bookstore or Adult Novelty Store – An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes offers for sale or rental, any of the following:
1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, CD ROM discs or other computer software, and other visual representations, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, and in conjunction therewith may have viewing booths or other facilities for the presentation of adult entertainment for observation by patrons; or
  2. Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”
- C. Adult Entertainment – Includes any of the following:
1. An exhibition of any adult oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or
  2. A live performance, display or dance of any type, which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas or persons in a state of nudity; or
  3. Films, motion pictures, video cassettes, slides or other photographic reproductions or visual presentations of any other kind which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- D. Adult Theater – A theater, tavern, banquet hall, party room, conference center, restaurant, night club, hall, auditorium, club, recreation center, indoor amusement center or similar commercial establishment which, as one of its principal business purposes, offers adult entertainment.
- E. Employee – For this portion of the Ordinance, a person who performs any service on the premises of a Sexually Oriented Business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- F. Escort – A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- G. Escort Agency – A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- H. Establish – Includes any of the following:
1. The opening or commencement of any Sexually Oriented Business as a new business;
  2. The conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business;
  3. The addition or change of any Sexually Oriented Business to any other existing Sexually



Oriented Business or to a non-Sexually Oriented Business; or

4. The relocation of any Sexually Oriented Business.
- I. Licensee – A person in whose name a license to operate a Sexually Oriented Business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a Sexually Oriented Business.
- J. Nude Model Studio – Any place where a person who appears in a state of nudity, or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
  1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
  2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
  3. Where no more than one nude model is on the premises at any one time.
- K. Nudity or a State of Nudity – The showing of any part of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.
- L. Sexual Encounter or Mediation Center – A business, agency or person which, for consideration, provides for commercial purposes a place where persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas as defined herein.
- M. Specified Anatomical Areas – Human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely covered.
- N. Specified Criminal Activity – Any of the following offenses:
  1. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
  2. For which:
    - (a) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
    - (b) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a

felony offense; or

- (c) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.

The fact that a conviction is being appealed shall have not effect on the disqualification of the applicant or a person residing with the applicant.

O. Specified Sexual Activities – Any of the following;

1. The massaging, fondling, or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Human genitals in a state of sexual stimulation or arousal.

P. Transfer of Ownership or Control of a Sexually Oriented Business – Includes any of the following:

1. The sale, lease or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal advice which transfer the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Q. Viewing Booths – Booths, stalls, partitioned portions of a room, cubicles, stalls, compartments, rooms or other enclosures which are available to members of the public, patrons or members for viewing (1) films, movies, videos, or visual reproductions of any kind depicting or describing "specified sexual activities" or "specified anatomical areas," or (2) persons who appear in a state of nudity or who offer performances or presentations characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**Agent:** Any person, other than the applicant, who, acting as personal representative, successor, or assign for the applicant, submits to the Borough a request for the purpose of obtaining approval thereof.

**Agricultural Products Sales:** The sales of goods produced through agriculture on the same tract as their production.

**Agriculture:** The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to; forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

**Airport or Heliport/Helistop:** Includes the following uses:

- A. Airport – A place where aircraft can land and take off, usually equipped with hangars,

facilities for refueling and repair, and various accommodations for passengers.

- B. Heliport – An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.
- C. Helistop – Same as heliport, but without auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

**Aisle:** The traveled way by which cars enter and depart parking spaces.

**Alley:** A thoroughfare other than a side street, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**Alterations:** As applied to a building or structure, any change or rearrangement in the total floor area or in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, or any change in doors, windows, or means of ingress or egress, or an enlargement or diminution, vertically or horizontally, or a relocation of a building or structure from one location or position to another.

**Amortization:** A method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period of time.

**Amusement Arcade:** A use offering to patrons mechanical or electrical amusement devices or games such as mechanical rides, pinball machines, ping pong, darts, shooting galleries, video games, or similar devices and games.

**Animal Hospital:** A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

**Animal Husbandry:** The care, raising, and keeping of livestock (animals such as cattle, sheep and swine) and poultry with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products, not including the keeping of livestock or poultry as pets or for domestic purposes alone.

**Antenna:** Any arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.

**Antenna Height:** The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured and shall include the height of the building upon which the antenna and its structure is situated.

**Antenna Support Structures:** Any structure, mast, pole, tripod, or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

**Applicant:** A landowner, tenant with permission of such landowner, developer, or agent of these, who has filed an application for development.

**Assisted Living Facility:** Centrally managed housing, licensed as Personal Care Centers by the Commonwealth of Pennsylvania, with self-contained units designed to provide a supportive environment yet relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, and organized social activities for residents and their invited guests.

**Automobile Body Work:** Use involving major mechanical work to vehicle bodies, chassis, wheels,

fenders, bumpers, or similar accessories, and/or vehicle painting, welding or other work involving noise, glare, fumes, smoke or other noxious characteristics. For the purposes of this chapter, this shall also include closely similar repairs of boats.

**Automobile Car Wash:** A building or structure with accompanying open-air stations designed and used primarily for the automatic, semiautomatic, or hand washing, drying, polishing, and vacuuming of automobiles.

**Automobile Repair:** Use involving routine repair and maintenance service of motor vehicles, including tune-ups, tire repair, oil changes, battery replacement, state inspections, but not including major mechanical work, body work, straightening of body parts, painting, welding or other work involving noise, glare, fumes, smoke or other noxious characteristics.

**Automobile Fueling Station:** Use involving the storage and retail dispensing of gasoline and other vehicle fuels.

**Automobile Sales (including Boat, and/or Mobile/Manufactured Home Sales):** The display, sale or rental of new or used motor vehicles, recreation vehicles, boat trailers, farm equipment, motorcycles, trucks, utility trailers, boats or transportable mobile/manufactured homes in operable condition. Any major repair work shall be considered as a separate accessory or principal use. This use shall not include a mobile/manufactured home park or a junkyard.

**Automobile Wrecking:** The dismantling or wrecking of used vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Awning:** A structure, other than a canopy, made of cloth, metal or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building.

**Bar or Tavern:** A commercial use that involves the sale of beverages and food to the public, and in which the sale of alcoholic beverages makes up more than fifty percent (50%) of the total volume of sales and which does not meet the definition of a nightclub, brewpub, or tasting room/taproom, as defined herein. A commercial use that involves a lower percentage of alcoholic beverage sales shall be considered an "eating establishment."

**Banner:** A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

**Baseline Monitoring Report:** A report required in 40 CFR 403.12 to be submitted by all industrial users and waste generators subject to Categorical Pretreatment Standards.

**Basement, Cellar:** A space having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet.

**Bed and Breakfast:** A use primarily concerned with the rental of rooms to persons on a daily rate basis as clearly transient and temporary overnight accommodation with on-site management, within an owner-occupied dwelling or accessory building on the same lot as an owner-occupied dwelling.

**Beer Distributorship:** A retail or wholesale establishment licensed and regulated by the Pennsylvania Liquor Control Board, which primarily offers beer/malt beverages for sale for off-premises consumption.

**Berm:** A mound of soil, either natural or manmade, used to obstruct views.

**Best Management Practices (Sewer Use):** The schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in

subsection 403.5 (a) (1) and (b) of Ordinance 683. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**Best Management Practices (Stormwater):** A broad array of management techniques to control the quantity and quality of stormwater runoff. The concept of BMPs implies that site design will include the most suitable technique (or practice) or combination of techniques (or practices) that will best manage the anticipated stormwater flow and quality based on an evaluation of site conditions and planning requirements. BMPs are to be implemented in accordance with the most current Erosion Regulations of the Pennsylvania Department of Environmental Protection.

**Beverage Production, Wholesale:** The brewing, distilling, or production of beer, spirits, wine, or other alcoholic beverages subject to permitting by the Pennsylvania Liquor Control Board, for wholesale or sale off-site.

**Beverage Production with Tasting Room and/or Eating Establishment:** The brewing, distilling, or production of beer, spirits, wine, or other alcoholic beverages subject to permitting by the Pennsylvania Liquor Control Board, for on-site sale via a tasting room or eating establishment serving prepared food. May also include off-site sale or wholesale.

**Billboard:** See *Sign, Off-Premises*.

**Billing Cycle:** A billing cycle is considered to run in quarterly increments of every three (3) months during the quarter the following is performed: meter readings entered, bills calculated and proofed, bill printed, bills mailed, receive payment, record and credit payment. Delinquents, final and new accounts are not part of this cycle.

**Biochemical Oxygen Demand (BOD5):** The quantity of oxygen consumed in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at 20° C, expressed in terms of concentration (mg/L) and/or loading (lbs/d).

**Bioretention Strips:** A water quality practice that utilizes landscaping and soils to treat urban stormwater runoff by collecting it in shallow depressions before filtering it through a planting soil media.

**Biosolids:** The solid, semi-solid or liquid residue generated from the collection and treatment of municipal wastewater by a POTW. Sometimes referred to as sewage sludge.

**Block:** A tract of land bounded on one side by a street and on the other sides (normally three) by streets/alleys, railroad rights-of-way, waterways, un-subdivided areas and other definite barriers.

**Boarding House (including Rooming House):** A residential use in which room(s) that do not meet the definition of a dwelling are routinely rented as longer-term living quarters, customarily on a weekly or monthly basis, customarily with shared kitchen and/or bathroom facilities. A college dormitory or fraternity/sorority house shall be considered a type of boarding house.

**Borough:** The Borough of Hanover and its government.

**Buffer Area/Yard:** An area of land separating a land use from another land use or feature and which is free of any principal or accessory building, parking, outdoor storage or any use.

**Building:** Any enclosed or open structure, other than a boundary wall or fence, occupying more than four square feet of area.

A. Building, Detached: A building which has no party wall and which is surrounded on all sides by areas open to the sky.



B. Building, Semi-Detached: A building which has one unpierced vertical fire-resistant party wall and which is not attached to more than one building.

C. Building, Attached: A building which has two or more unpierced vertical fire-resistant party walls.

**Building Area:** The area of ground covered by a building or structure, enclosed or open.

**Building Coverage:** The percentage of the total area of a lot covered by all buildings and enclosed structures on the lot.

**Building Height:** The vertical distance from the average finished grade in front of a building or structure to: the highest point of a flat, shed, or mansard roof; or the average distance between the eaves and ridge level of a gable, hip, or gambrel roof.

**Building Material Yard:** An establishment storing or offering for sale building supplies, metal supplies, lumber, stone, coal, heavy equipment, feed and grain, sand and gravel, and similar goods. This term shall not include the wrecking, salvaging, dismantling, scrapping, or storage of junk vehicles.

**Bus, Taxi or Truck Yard:** An area of land used for the centralized storage of trucks, buses, taxicabs, or railcars or where such vehicles are congregated for the loading and unloading of goods, materials, and freight. This term shall include accessory facilities for the service and repair of vehicles involved in the normal operation and the limited warehousing of freight for no more than thirty (30) days but shall not include passenger bus or train stations, which are considered public uses or buildings.

**Business Services Establishment:** An establishment engaged in rendering services to business establishments on a fee or contract basis or to the general public on a less frequent or personal basis than provided by personal services establishments. Such enterprises may include: the service and repair of office equipment, machines, electronics, furniture, medical supplies, or commercial appliances; the printing, copy, and production of documents, signs, or banners; retail shipping and mailing services.

**Carport:** An open space for the storage of one or more vehicles in the same manner as a private garage. Any carport covered by a permanent roof shall be considered a building. If the permanent roof is attached to the principal building, it shall be considered to be part of that building.

**Cartway:** The paved area of a street utilized for motor vehicle traffic and on-street parking.

**Certificate of Occupancy:** A statement signed by a duly authorized Borough officer setting forth that a building, structure or use, to the best knowledge of such official, legally complies with the Zoning Ordinance, and other applicable codes and regulations and that the same may be used for the purposes stated therein.

**Change of Use:** Any use that substantially differs from the previous use.

**Communications Antenna:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including, without limitation omni directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

**Communications Equipment Building:** An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.



**Comprehensive Plan:** The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, consisting of maps, charts, and textual material, that constitutes a policy guide to decisions about the physical and social development of the Borough of Hanover, as amended from time to time.

**Convenience Store:** A retail use, typically with a footprint below 10,000 square feet, that primarily sells magazines, lottery tickets, household goods, groceries, prepared and ready-to-eat foods, and similar miscellaneous items to the general public, with limited indoor and/or outdoor seating areas. The use may include an indoor seating area comprising no more than twenty percent (20%) of the gross floor area and/or an outdoor seating area.

**Contractor Establishment:** Use primarily involved with the preparation and/or storage of materials, tools, machines, vehicles, waste, or other items related to for-hire construction, landscaping, carpentry; painting; remodeling; interior decorating or upholstering; roofing and insulation; carpeting; heating and cooling; plumbing; and other similar business activities.

**Corner Lot:** See *Lot, Corner*.

**Crematorium:** A facility accessory to a funeral home or mortuary containing a furnace used to reduce the deceased to ashes by burning.

**Cut:** An excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also refers to the material removed in excavation.

**Day Care Center:** A premises in which the supervised care of children under the age of sixteen (16) outside of the children's own home is provided at any one time for seven (7) or more children unrelated to the operator for less than eighteen (18) hours during the average day. A child day care center must be licensed by the Pennsylvania Department of Human Services and shall follow all applicable provisions for child day care centers in Title 55, Part V, Subpart D, Article I, Chapter 3270 of the Pennsylvania Code, as amended.

**Day Care Home, Family:** A dwelling other than the child's own home, operated for profit or not-for-profit, in which the supervised care of children under the age of sixteen (16) outside of the children's own home, is provided at any one time to four (4), five (5), or six (6) children unrelated to the operator for periods of less than eighteen (18) hours during the average day. A family day care home shall be considered an accessory use to an owner-occupied dwelling, must be licensed by the Pennsylvania Department of Human Services, and shall follow all applicable provisions for family child day care homes in Title 55, Part V, Subpart D, Article I, Chapter 3290 of the Pennsylvania Code, as amended.

**Day Care Home, Group:** A dwelling other than the child's own home, in which the supervised care of children under the age of sixteen (16) outside of the children's own home, is provided at any one time to more than six (6) but fewer than thirteen (13) children unrelated to the operator for periods of less than eighteen (18) hours during the average day. A group day care home shall be considered an accessory use to an owner-occupied dwelling, must be licensed by the Pennsylvania Department of Human Services, and shall follow all applicable provisions for group child day care homes in Title 55, Part V, Subpart D, Article I, Chapter 3280 of the Pennsylvania Code, as amended.

**Density:** The total number of dwelling units per lot area.

**Developer:** Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development or submits a development plan under the terms of this Ordinance.

**Development:** Any man-made change to improved or unimproved real estate including but not limited to the construction, reconstruction, renovation, repair, expansion, or alternation of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling,

grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**Donation Drop Box:** Any portable outdoor container intended or used for the soliciting and collecting of donated textile and other salvageable personal property items such as clothing, toys, books, or shoes, which are removed from the container on a periodic basis.

**Drive-Through Facility:** Use in which goods or services are dispensed directly to a patron in a motor vehicle and which eliminates the necessity for the patron to exit the motor vehicle.

**Dwelling:** A separate and self-contained living space of at least 500 square feet in area, comprised of one or more rooms used for living and sleeping purposes and having its own kitchen with fixed cooking, refrigeration and plumbing facilities, its own sanitation facilities with bath and toilet fixtures, and separate access to the outside or a to a common passageway. This chapter categorizes principal dwellings into the following use types:

- A. Apartment: A single dwelling unit within a multi-family building or a mixed-use building.
- B. Dwelling, Single-Family Detached: One dwelling unit in a detached building having open areas on all sides.
- C. Dwelling, Single-Family Semi-Detached (Twin): One dwelling unit in a semi-detached building adjacent to another dwelling unit, each on their own lot and having open areas on all other sides. This use is commonly known as a "twin."
- D. Dwelling, Single-Family Attached (Rowhouse): One dwelling unit in an attached building adjacent to other dwelling units, with each dwelling unit on its own separate lot and having open areas to the front and rear. (In a row, the end units may have open space to one side.) This use is commonly known as a "rowhouse" or "townhouse."
- E. Dwelling, Two-Family Detached (Duplex): Two dwelling units in a single detached building on a single lot, with the dwelling units arranged either side by side or one on top of the other. This use is commonly known as a "duplex."
- F. Multi-Family Building: A single building on a single lot, containing 3 or more dwelling units or apartments, each with access to the outside or a to a common passageway, lobby, or corridor, either leased or sold for condominium ownership.

In addition, this chapter defines Accessory Dwelling Units as a dwelling (defined above), subordinate and smaller in size to a principal single-family dwelling, within or attached to a principal or accessory building on the same lot.

**Eating Establishment:** A public eating place primarily offering sit-down counter, table, and/or takeout service of custom-prepared foods for on-premises consumption or carryout. An eating establishment shall not meet the definition of a bar or tavern or a nightclub, as defined herein.

**Employees:** The highest number of compensated workers, including both part-time and full-time, present on a lot at any one time during the average week.

**Entertainment or Recreation Facility, Indoor:** A use that provides recreation, entertainment, or instruction within an enclosed facility, including but not limited to amusement arcades, bowling alleys, escape rooms, fitness training, indoor athletic courts, ice rinks, roller skating rinks, indoor batting cages, indoor golf, indoor playing fields, indoor swimming pools, indoor play structures, martial arts studios, dance studios, and music studios, but not including theaters or nightclubs, as defined herein.

**Entertainment or Recreation Facility, Outdoor:** A use where the principal activity involves the provision of primarily outdoor recreational, amusement, and leisure activities, such as, but not limited

to: tennis courts, sand volleyball courts, miniature golf courses, driving ranges, batting cages, playing fields, and outdoor swimming pools.

**Family:** One or more persons typically but not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

**Fence:** Any freestanding structure erected for the purpose of screening or dividing one property from another to assure privacy or security, or to define and mark the property line. For the purpose of this ordinance a freestanding masonry wall when so located is considered to be a fence.

**Flag Lot:** See *Lot, Flag*.

**Floodplain:** Unless otherwise specifically stated, includes the entire one-hundred-year floodplain.

**Floor Area, Gross:** The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, including any basement space but excluding any space where the floor-to-ceiling height is less than six feet.

**Floor Area, Net:** The total of all floor areas of a building, excluding stair-wells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**Floor Area, Customer:** All floor areas relegated to use by the customer and/or the business employee to consummate sales or service; including display area used to indicate the variety of goods available for the customer, but excluding office space, storage space and other general administrative areas.

**Food Trucks:** Readily movable, motorized wheeled vehicle or towed wheeled vehicle, designed and equipped to prepare and serve food and non-alcoholic beverages.

**Forestry:** Managing and using, for human benefit, the natural resources that occur on and in association with forestlands, including trees, other plants, animals, soil, and water. This term includes, but is not limited to, the planting, cultivating, harvesting, transporting, and selling of trees for commercial purposes which does not involve any land development.

**Frontage:** The horizontal or curvilinear distance along the street line upon which a lot abuts.

**Funeral Home or Mortuary:** A business establishment approved by the State Board of Funeral Directors and operated by a licensed funeral director (as defined in Title 49, Chapter 13 of the Pennsylvania Code) which provides services for preparing the deceased humans or animals for burial or cremation and which may include rooms for viewings and ceremonies.

**Garage, Private:** An accessory building for the storage of one or more motor vehicles and/or other personal property owned and used by the owners or tenants of the lot for a purpose accessory and incidental to the primary use of the lot premises, provided that no business, occupation, or service is conducted within the structure unless as allowed as a home occupation.

**Garden Apartment Court:** A development consisting of one or more multi-family buildings with common parking facilities, yards, or open space.

**Governing Body:** The Borough Council of Hanover Borough, York County, Pennsylvania.

**Ground Floor:** The floor of a building nearest the front grade of the building.

**Group Care Facility:** A living arrangement that may or may not be restricted by identified age(s) of residents who are primarily unrelated persons, whereas said arrangement provides dwelling units for residents of varying abilities of mobility and/or disability and on-site supervision and assistance available to the residents on an occasional, as-needed basis and which may include certain design features associated with resident needs that are not customary to conventional dwelling units, such as, but not limited to, emergency call systems, common dining facilities, common laundry facilities, minimal housekeeping services, cognitive support services and/or memory care, common leisure and recreational facilities, transportation services, and similar supporting services for residents. A group care facility shall include such supportive living arrangements that do not meet the definition of a group home, halfway house, nursing or convalescent home, or retirement home, as defined herein, or of any other residential use, nor shall it meet the definition for a hospital.

**Group Home:** A dwelling in which no more than eight (8) unrelated persons, each of whom is handicapped (disabled) within the meaning of the Fair Housing Act (Title 42, Chapter 45, Subchapter II, Section 3601, et. seq. of the United States Code), live together as a single, non-transient household unit (i.e., a "family," as defined herein), with such non-resident staff as may be needed to assist the residents with their daily life activities. A group home shall follow all applicable provisions for "Division C-3 occupancy" in Title 34, Part I, Chapter 56 of the Pennsylvania Code, as amended. If serving a psychiatrically disabled population, the group home must be licensed by the Pennsylvania Department of Human Services and shall follow all applicable provisions for Community Residential Rehabilitation Services (CRRS) in Title 55, Part VII, Subpart E, Chapter 5310 of the Pennsylvania Code, as amended. Group homes shall not include uses that meet the definition of "halfway house."

**Halfway House:** A dwelling occupied on a short-term basis by no more than eight (8) unrelated persons assigned by a court of law or who are self-referred or referred by a public, semipublic, or nonprofit agency, for the purposes of recovery from alcoholism or drug addiction, domestic violence, community re-entry or work-release following incarceration, court-ordered assignment as an alternative to incarceration, or any other short-term supervised arrangement to the extent that such persons is not considered handicapped (disabled) within the meaning of the Fair Housing Act (Title 42, Chapter 45, Subchapter II, Section 3601, et. seq. of the United States Code). A halfway house shall follow all applicable provisions for "Division C-3 occupancy" in Title 34, Part I, Chapter 56 of the Pennsylvania Code, as amended, and shall be managed by a public, semipublic, or nonprofit agency responsible for the occupants' care, safety, conduct, counseling, and supervision. If serving persons in recovery from alcoholism or drug addiction, the halfway house shall follow all applicable provisions for transitional living activities and halfway houses in Title 28, Part V of the Pennsylvania Code, as amended.

**Height:** The vertical distance from the average finished grade in front of the building or structure, where the measurement is taken to:

- A. The top of the highest roof beams on a flat or shed roof;
- B. The deck level on a mansard roof; and
- C. The average distance between the eaves and the ridge level for gable, hip and gambrel roofs.

**Home-Based Business, No-Impact:** An business or commercial activity administered or conducted as an accessory use which is clearly secondary to a primary residential dwelling use and which does not involve customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

**Home Occupation:** An activity, carried out for gain, conducted within a dwelling unit or accessory building of a residential use, the conduct of which is clearly incidental and secondary to the primary residential use of the lot, but where said activity does not meet the definition of a no-impact home-based business. Family and group day care homes, as defined herein, are considered home



occupations.

**Hospital:** An institution established for the primary purpose of providing diagnostic, therapeutic, or rehabilitative services to inpatients who are injured, disabled, pregnant, diseased, sick, or mentally ill, with such services provided by the care of physicians and an organized medical staff. In addition to inpatient services, a hospital may involve medical research, training for health care professions, offices for the examination or treatment of persons as outpatients, as well as cafeterias, retail gift stores, and other accessory uses.

**Hotel or Motel:** A use in a non-owner-occupied building or buildings, with on-site management, primarily concerned with the rental of rooms to persons on a daily rate basis as clearly transient and temporary overnight accommodation. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a boarding house rather than a hotel or motel.

**Illumination:** The constant supply of light, that allows a sign to be visible in dim or dark conditions.

**Impervious Surface:** A surface that does not absorb rain; includes all buildings and other structures, parking areas, driveways, roads, sidewalks, storage areas and areas of concrete and nonporous asphalt and other such areas as shall be determined to be nonporous by the Borough Council and/or Borough Engineer.

**Impervious Coverage:** The total of impervious surfaces on a lot divided by lot area.

**Impoundment:** A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

**Improved Property:** Any parcel, property, or lot with a use, on-lot improvement or occupied building that generates, or is capable of generating, wastewater.

**Improvements:** Those physical additions, installations and changes required to render land suitable for the use intended, including grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street shade trees.

**Improvements, Public:** Streets, pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs and plantings, and other items required for the welfare of the property owners and the public.

**Industrial Use:** Includes manufacturing, distribution, warehousing and other operations of an industrial and not primarily a commercial or residential nature.

**Industrial Laundry or Dyeing Facility:** A building, portion of a building, or premises used or intended to be used for cleaning of fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not limited to, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

**Interior Lot:** See *Lot, Interior*.

**Junk:** Any discarded materials, machinery, scrap metals, appliances, articles or objects possessing value in part, gross or aggregate, and including but not limited to scrapped motor vehicles and parts thereof, including motor, bodies of motor vehicles and vehicles that are inoperable or do not have a current and valid inspection sticker as required by the Pennsylvania Vehicle Code, but not including garbage or other organic waste or farm machinery provided said farm machinery is used in connection with a bona-fide farming/agricultural operation.

**Junkyard:** Any place where junk, as defined herein, is stored, recycled, disposed of, accumulated, or

maintained. Any premises having more than one unlicensed, uninspected, wrecked, or inoperable automobiles or other vehicles thereon shall in any event be deemed a "junkyard"; provided, however, that any automobile sales lot or garage which is licensed or franchised as such may store upon premises, for a period not to exceed 30 days, up to 3 junked automobiles at any one time to be upon such premises. Should such automobile sales lot or garage have a junked automobile upon the premises for more than 30 days or in excess of the permitted number of junked automobiles, the premises shall be deemed a "junkyard" under the terms of this Ordinance.

**Junked Vehicle:** Includes any vehicle or trailer that meets any of the following conditions:

- A. Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
- B. Cannot be towed, in regards to a trailer designed to be towed,
- C. Has been separated from its axles, engine, body or chassis, and/or
- D. Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

**Kenel:** Any facility in which more than 4 dogs, cats, other domesticated animals typically kept as pets, or any combination thereof, of which animals are 6 months old or older, are kept, bred, trained, or boarded, whether for profit or not. This term does not include an establishment engaged only in dog grooming or dog training.

**Land Development:** Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any other purpose involving:
  - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Land development shall not include:
  - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; or
  - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

**Landfill:** See *Sanitary Landfill*.

**Landowner:** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**Loading Space:** An off-street space on the same lot with a building or contiguous to a group of



buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on or has access to a street.

**Lot Area:** The area contained within the property lines of a lot excluding space within any street right-of-way, but including the area of any easement.

**Lot:** A designated parcel, tract, or area of land established by a plat or other recording, with its own distinct boundaries, held in single or separate ownership.

- A. Lot, Corner – A lot with 2 adjacent sides abutting on streets which has an interior angle of less than 135 degrees at the intersection of the 2 street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
- B. Lot, Flag – A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.
- C. Lot, Interior – A lot other than a corner lot.
- D. Lot, Non-Conforming – A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
- E. Lot, Through/Double Frontage – A lot with front and rear street frontage.

**Lot Depth:** The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

**Lot Lines:** The boundary lines of a lot, as defined herein, including the following terms:

- A. Rear Lot Line – Any lot line which is parallel to or within forty-five degrees (45°) of being parallel to a street line, except for a lot line that is itself a street line. In the case of a through lot with secondary frontage on an alley, that line shall be considered a rear lot line. In the case of a corner lot, the addressed street of the house will determine the rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line further from any street shall be considered a rear lot line.
- B. Side Lot Line – Any lot line that is not a street line or a rear lot line. In the case of a corner lot with secondary frontage on an alley, the line against the alley shall be considered a side lot line.
- C. Street Line – A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the “street right-of-way line.”

**Lot of Record:** A lot that has been recorded in the Office of the Recorder of Deeds of York County, Pennsylvania.

**Lot Width:** The distance measured between the side lot lines at the edge of the required right-of-way line. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and directly opposite property line.

**Manufactured Housing:** Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation of assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

**Manufacturing:** The processing and/or converting of raw unfinished and/or finished materials or products into articles or substances of different character or for a different purpose. This term includes, but is not limited to, food and pharmaceutical processing; manufacture of furniture, textiles, leather, rubber, paper, fabricated metals, machinery and glass; stone and clay processing; printing, polishing, photography, and related industries; instrument, tool and die, and wood fabrication; metal welding; assembly of electronics; plastic goods manufacture and molding; and other related industries.

**Marquee:** A permanent, roof-like structure, supported by a wall of a building, but having no relationship to the roof structure, generally designed and constructed for protection against weather.

**Medical and Dental Clinics and Laboratories:** A use involving the treatment and examination of patients by state-licensed physicians, dentists, or other health care professionals, including mental health care professionals, provided that no patients shall be kept overnight on the premises. This use may involve the laboratory testing of tissue, blood, or other human materials for medical or dental purposes.

**Medical Marijuana:** Marijuana for certified medical use in the Commonwealth of Pennsylvania as set forth in Act No. 16 of 2016, also known as the "Medical Marijuana Act."

**Medical Marijuana Dispensary:** The use of a premises by a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a legal permit issued by the Pennsylvania Department of Health, to dispense medical marijuana in accordance with Act No. 16 of 2016, also known as the "Medical Marijuana Act."

**Medical Marijuana Grower/Processor:** The use of the premises by a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a legal permit from the Pennsylvania Department of Health, to grow and/or process medical marijuana, with all growing and processing activity to be conducted indoors.

**Mixed-use:** A single lot and/or single building that contains multiple principal uses and does not meet the definition of a shopping center, mall, or plaza, as defined herein.

**Mobile Home:** A transportable, single-family detached dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into a single integral unit capable of again begin separated for repeated towing or moving, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

**Mobile Home Lot:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupant(s) of the mobile home erected on the lot.

**Mobile Home Park:** A parcel or contiguous parcels of land which has been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

**Municipalities Planning Code (MPC):** The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.

**Municipality:** The Borough of Hanover, York County, Pennsylvania.

**Natural Feature:** A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress or energy costs. Such features include those of which, if disturbed, may cause hazards or stress to life, property, or the natural environment.

**Nightclub:** A bar or tavern which frequently offers live entertainment and/or dancing.

**Non-Conforming Building/Structure:** A building, structure, or part of a building or structure which does not conform to one or more of the applicable area, siting, or bulk regulations of the zoning district in which it is located, on the effective date of this chapter or as a result of a subsequent amendment thereto, where such building or structure was lawful prior to enactment of the chapter or amendment.

**Non-Conforming Lot:** A lot of which the area or dimension was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**Non-Conforming Sign:** Any sign, lawfully existing on the effective date of an ordinance or an amendment thereto, which does not conform to all the standards and regulations of the adopted or amended ordinance.

**Non-Conforming Use:** A use which does not comply with the applicable use provisions in this chapter or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of the chapter or amendment.

**Non-Conformity:** Any aspect of a land use that does not comply with any use, size, height, bulk, setback, distance, landscaping, coverage, screening, or any other use, design, or performance standard specified by this Ordinance, where such non-conformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

**Nursery/Garden Center:** A retail and/or wholesale establishment where trees, shrubs, vines, flowers, and other live plants are sold, including the buildings, structures, and equipment customary to the indoor and/or outdoor cultivation and sale of such live plants.

**Nursing or Convalescent Home:** A facility with sleeping rooms that provides either skilled or immediate nursing care or both levels of care for 2 or more aged or disabled patients, who are unrelated to the licensee, for a period exceeding 24 hours. A nursing home must be licensed by the Pennsylvania Department of Health and shall follow all applicable provisions for long-term care nursing facilities in Title 28, Part IV, Subpart C of the Pennsylvania Code, as amended.

**Official Map:** A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

**On-Site:** Located on the lot in question.

**On-Street Parking Space:** A parking space that is located on a dedicated street right-of-way.

**Open Space:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**Overlay District:** A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

**Parcel:** A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

**Parking Garage:** A building or covered structure other than a private garage used for the storage or parking of motor vehicles.

**Parking Lot:** An surface area other than a driveway used for the off-street parking of motor vehicles.

**Parking Space:** The area required for parking one motor vehicle.

**Patio:** An area intended for outdoor use that is paved or covered with brick or similar material and is flush with the ground.

**Party Wall:** A common shared wall between two separate structures, buildings, or dwelling units.

**Person:** Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**Personal Service Establishment:** An establishment that provides a service oriented to personal needs of the general public and which may involve minimal retail but not wholesale sales or services to businesses. Personal services establishments include, but are not limited to, barber and beauty shops, health spas, tanning salons, optometrists' offices, photography studios, travel agencies, tax preparation services, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any adult regulated facilities as defined herein.

**Pervious Surface:** Materials that permits full or partial absorption of stormwater.

**Place of Assembly/Worship:** A facility owned by a not-for-profit entity that is designed for the indoor assembly or meeting of persons for religious, civic, political, educational, or social purposes, where recreation, amusement, or dining may occur as accessory activities. A place of assembly/worship may also include, as accessory uses, administrative offices, day care centers, rooms for training or education, rectories, convents, seminaries, and shrines. Examples of places of assembly/worship include churches, fraternal lodges, ethnic clubs, and labor union halls.

**Planning Agency:** The Planning Commission of Hanover Borough.

**Planning Agency Staff:** The Borough Engineer, Zoning Officer and/or other personnel retained by the Planning Commission.

**Pre-Application Conference:** An initial meeting between developers and Zoning Officer and/or Borough Engineer which affords developers the opportunity to present their proposals informally.

**Prepared Foods:** Foodstuffs and/or drinks which have been cooked, changed, cleaned or otherwise altered for public consumption.

**Principal Building:** A building in which the principal use is conducted.

**Principal Use:** The primary or predominant use of any lot or parcel of land.

**Private:** Not publicly owned, operated or controlled.

**Private or Non-Public Street:** A non-public right-of-way which provides vehicular access to one or more lots, including, but not limited to streets maintained by private agreements, by private owners, or for which no municipal maintenance responsibility has been established.

**Professional Architect:** An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of architecture.

**Professional Engineer:** An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed and registered as a professional land surveyor as defined and set forth in this ordinance; however, a professional engineer may perform engineering land surveys.

**Professional Landscape Architect:** Means an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of landscape architecture.

**Professional Land Surveyor:** An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

**Professional Occupation:** The practice of, including but not limited to, a profession by an attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropractist, engineer, surveyor, architect, landscape architect, or city planner entitled to practice under the laws of the Commonwealth of Pennsylvania.

**Professional Office:** Include but are not limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, banks, financial institutions, contractors (excluding storage) and similar office-oriented uses.

**Public:** Owned, operated or controlled by a governmental agency (federal, state, county, or local, including a corporation created by law for the performance of certain specialized governmental functions, and the Department of Education).

**Public and Other Transmission and Distribution Facilities:** Public, semi-public and private utility transmission and distribution facilities including substations, pump stations, booster facilities, etc.

**Public Building (Public Services):** See *Public Uses and Buildings*.

**Public Hearing:** A formal meeting held pursuant to public notice by the governing body or Planning Agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

**Public Park/Recreational Facility/Grounds:** Land and/or facilities that are owned by the Borough or another government agency and are available for use by the general public for leisure and recreation.

**Public Notice:** Notice required by the PA Municipalities Planning Code.

**Public Recreation Facility/Public Grounds:** Recreation facilities owned and/or operated by an agency of the municipality or other governmental body, including but not limited to parks, swimming pools, golf courses, rail trail, etc.

**Public Street/Road/Right-of-Way:** A street/road/right-of-way ordained or maintained or dedicated and accepted by a Borough, City, Township, County, State or Federal governments and open to public use.

**Public Uses and Buildings:** Includes public and semi-public uses of welfare and educational nature, such as schools (public and private), parks, fire stations, municipal buildings and municipal garages.

**Public Utility:** A use, including any buildings and structures, regulated by the Pennsylvania Utility Commission or other governmental agency as performing a public service.

**Railroad Yard:** An area designated for the servicing, maintenance and/or storage of rail line facilities and equipment.

**Recreation Area, Active:** Any area developed in such a manner as to be conducive to those activities that fall within the range of sports or other active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

**Recreation, Area, Passive:** Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft



areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

**Recreational Vehicle:** A vehicle, regardless of size, which is designated as a temporary dwelling or for recreation and not primarily for transportation. A recreational vehicle may be designed to be self-propelled, towed or carried by another vehicle. A recreational vehicle includes travel trailers, motor homes, all-terrain vehicles, snowmobiles and watercraft with hulls longer than eight feet.

**Recycling Facility:** A facility in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal, plastic, Styrofoam, and other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

**Research Testing/Experimental Laboratory:** Including experimental study, testing and analysis of soils, medicines, new technology, products and similar items and areas of research.

**Retail Establishment:** A use in which merchandise is sold or rented to the general public, but not including sales of motor vehicles or boats, auto fueling, auto repair, adult movie theater, adult bookstore.

**Retirement Home:** A facility licensed by the state designed to serve the housing needs of older persons in a continuum of care environment through facilities which relate both to dependent and independent persons; such facilities may include independent living units, sheltered care units, nursing care units and related support services.

**Right-of-Way:** Land reserved for the public or others for use as a street or other purpose.

**Satellite Antenna:** A ground-based reflector, usually parabolic, together with any pedestal and any other attachments and related structures or parts, intended for use to receive electronic signals from a satellite.

**School:** A use offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

**Screening:** The provision of a barrier to visibility, air borne particles, glare and noise between adjacent properties uses and/or districts composed entirely of berms, trees, shrubs, sight-tight fences, walls and/or other similar type constructions.

**Self-Storage Facility, Exterior (Mini-Storage Warehouses):** A facility located in one (1) or more buildings providing for the rental or lease of individual separate-access enclosed storage units accessed from the outdoors, where household items or recreational equipment may be stored and retained by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility.

**Self-Storage Facility, Interior:** A facility located in one (1) building providing for the rental or lease of individual separate-access enclosed storage units accessed exclusively from indoor corridors, where household items or recreational equipment may be stored and retained by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility.

**Setback:** An area defined by a distance measured from a lot line within which buildings or structures shall not be located, except as permitted. Exceptions permitted in the building setback include open or covered steps, uncovered patios or terraces, "Bilko" basement entrance doors, cornices, and other ornamental features projecting from the walls of the building or structure.

**Sight Distance:** The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.



**Shopping Center, Mall, or Plaza:** A group of commercial uses/buildings planned and designed to function as a unified commercial center, serviced by on-site shared parking and loading facilities, utilities, and internal vehicular and/or pedestrian circulation.

**Short-Term Rental:** Any dwelling unit owned or managed by a local person, firm, or corporation which is rented or leased for the purpose of overnight lodging for a period of 30 days or less, and which meets the definition of "Hotel" for the purpose of imposing an excise tax by York County. Units must adhere to the Borough of Hanover Short-Term Rental policy and have a valid a short-term rental permit as issued by the Borough of Hanover. If the owner is not local, the short-term rental must be managed by a local property firm or corporation.

**Sign:** Any object, display or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

**Sign, Abandoned:** A sign erected on, or related to, the use of a property which becomes vacant and unoccupied for a period 12 months or more, or any sign which relates to a time, event, or purpose which is past.

**Sign, Advertising:** A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either a commercial or noncommercial message.

**Sign, Awning:** A sign attached to, painted, or printed onto an awning, of the hinged, roll, or folding type.

**Sign, Business:** A sign directing attention to a business, commodity, or service conducted, sold, or offered upon the same premises as those upon which the sign is maintained. This includes signs that identify or advertise home occupations.

**Sign, Canopy:** A sign attached to, painted, or printed onto a canopy. For the purposes of the Ordinance, the permitted size of a canopy sign will be calculated on the basis of the size of the building wall parallel, or substantially parallel, to a street. It will, for measuring purposes, be considered a wall sign.

**Sign, Construction:** A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

**Sign, Directional:** A sign fronting on a road containing only the name of the principal use, directional arrow and mileage to the principal use. Such principal use shall not be visible to the motorist at the location at which the sign is placed.

**Sign, Directory:** A sign which identifies the names and locations of occupants or the use of a building or property.

**Sign, Flashing:** A sign that uses an intermittent or flashing light source or windblown and/or mechanical moved reflective material to attract attention.

**Sign, Freestanding:** Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole or monument sign.

**Sign, Government:** Any temporary or permanent sign erected and maintained for any government purposes other than signs placed on the premises of a publicly owned building, structure or other land use, designed to identify to the public and land use. Examples of government signs include speed limit signs, city limit signs, street name signs, and traffic signs. Conversely a sign placed on a public building such as library, school or public safety building, which identifies said building, shall not be considered a government sign.

**Sign, Ground Mounted:** Any sign which extends from the ground or which has supports which places the bottom thereof less than two (2) feet from the ground directly beneath the sign.

**Sign, Identification:** A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

**Sign, Incidental:** A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

**Sign, Instructional:** An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One-Way," or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

**Sign, Lighted:** A sign illuminated by light cast upon the sign from an external light source.

**Sign, Logo:** A sign used by the Pennsylvania Department of Transportation on limited access highways to direct motorists to nearby businesses and services. NOTE: Logo signs are replacing billboards on interstate highways.

**Sign, Luminous:** A sign illuminated through the use of phosphorescent or luminescent paint or materials

**Sign, Marquee:** Any sign attached to a marquee for the purpose of identifying a movie theater or similar place of entertainment.

**Sign, Off-Premise:** A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

**Sign, On-Premise:** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

**Sign, Pole:** A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground mounted signs. The bottom of such signs shall be greater than three (3) feet from the ground directly beneath the sign.

**Sign, Political:** Any temporary sign pertaining to political views, an individual seeking election or appointment to a public office, or a forthcoming public election or referendum.

**Sign, Portable:** Any sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels or a truck; signs constructed as or converted to an A or T-frame sign; or umbrellas used for advertising purposes. Such sign, whether or not bolted to the ground, shall nonetheless be deemed to be a "portable sign."

**Sign, Projecting:** Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

**Sign, Public Interest:** A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

**Sign, Real Estate:** A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

**Sign, Roof:** A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

**Sign, Sandwich or inverted "V":** A sign designed to advertise specials or sales occurring on the same day as their placement.

**Sign Setback:** The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the sign or its supporting member, whichever is nearest to the property line or right-of-way.

**Sign, Temporary:** A sign intended for short-term use, such as a promotional sign, including signs pertaining to business events, community events, political issues, an individual seeking public office, or a forthcoming public election.

**Sign, Vehicular:** Signs on parked vehicles visible from any street where the sign on the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this Ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

**Sign, Wall:** Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which it is placed. Signs directly painted on walls shall be considered wall signs.

**Sign, Window:** A temporary or permanent sign, which is oriented to the public right-of-way and is located on the inside or outside of a window.

**Site Plan:** An accurately scaled drawing that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

**Skilled Health Care Facility:** A skilled care facility is any premises in which nursing care and related medical or other health services are provided, for a period exceeding 24 hours, for 2 or more individuals, who are not relatives of the operator and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

**Solar Energy:** Radiant energy (direct, diffuse, and reflected) received from the sun.

**Solar Energy System:** Any system, designed, assembly or device which is used to collect, store, and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water. Solar energy systems may include but are not limited to solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south facing windows.

**Solid Waste:** Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, public, household or commercial activities, but not including substances that are legally accepted and disposed of into the air or water through a federal pollution discharge permit, nor paper, cardboard, aluminum, scrap metal or glass that is clearly intended to be recycled.

- A. For the purposes of this chapter, the following wholly natural and biodegradable materials shall not be considered to be solid waste unless the materials are disposed of in such a way

that a hazard is created to the public health and safety: portions of trees or shrubs, leaves, mulch, grass clippings, rocks, brick, cinder block and concrete. These materials shall be defined as "clean fill." Brick, cinder block and concrete may, however, meet the definition of "junk" if not properly disposed of or stored.

- B. For the purposes of this chapter, customary residual wastes from an approved mineral extraction use shall not be considered to be solid waste.

**Solid Waste Facility:** A state-permitted use where solid waste is processed, sorted, incinerated, transferred, or recycled. The following uses, for the purposes of this chapter, shall not be considered to be a solid waste center: landfill, junkyard, recycling collection center, leaf composting, clean fill or septage or sludge application.

**Special Exception:** A special exception shall be the approval granted by the Zoning Hearing Board in situations where provision therefore is made by the terms of the Zoning Ordinance of Hanover Borough.

**Special Occasion Home:** An owner-occupied residence of historical and/or architectural significance which is available for private rental for occasions such as business meetings, weddings, receptions, banquets, private parties, fund-raising events, conferences and similar functions, although not otherwise open to the general public. The rental use must be as secondary and subordinate to the residential use.

**State:** The Commonwealth of Pennsylvania.

**Stoop:** An uncovered area at the front, side or rear door with a minimum of three (3) feet by three (3) or nine (9) square feet in area.

**Storage Shed:** A structure not intended for residential occupancy which is necessary to the principal use of the property as a place to store personal property.

**Storage Tank System:** An aboveground tank, an underground tank or a non-stationary tank, and any associated piping, lines, dikes, curbs, transfer stations and ancillary equipment.

**Story:** That portion of a building between the surface of any floor and the ceiling above it that has a vertical height of six feet or greater.

**Story, Half:** A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

**Street:** Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**Structure:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to land.

**Structure, Temporary:** A tent, construction shanty, or similarly portable or demountable structure not intended for permanent use.

**Studio, Dancing or Music:** The use of a premises by a teacher of music or dancing where students are taught these arts for a fee, and where more than one student may be taught in a class at one time. The term is synonymous with "Dancing School" and "Music School", and other similar expressions.

**Subdivision:** The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose,

whether immediate or future, of lease petition of the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**Substantially Change (Wireless Support Structures) – Any:**

- A. Increase in the height of a wireless support structure by more than ten (10%) percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20') feet, whichever is greater, except that the mounting of the proposed WCF may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or
- B. Further increase in the height of a wireless support structure which has already been extended by more than ten (10%) percent of its originally approved height or by the height of one additional antenna array.

**Substantial Damage:** Damage sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

**Substantially Completed:** Where, in the judgment of the Borough Engineer, at least ninety percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approve plan, so that the project will be able to be used, occupied or operated for its intended use.

**Supplemental Farm Business:** An auxiliary use to the primary agricultural use of a property in which residents engage in a commercial activity that is secondary to the primary agricultural activity on the property or farm. The auxiliary use may not change the primary agricultural characteristics of the property or neighborhood.

**Supply Yards:** A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods. "Supply yards" do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

**Tasting Room:** Area for the on-site sampling and retail sales of alcoholic beverages subject to permitting by the Pennsylvania Liquor Control Board. May also include the retail sales of related promotional merchandise.

**Tavern:** An establishment which serves alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

**Television Antenna:** Any device used for receiving video transmissions.

**Theater:** A use principally devoted to showing motion pictures and/or live performances, including audience/patron participation venues which may contain other performance-related facilities. For the purposes of this Ordinance, this definition shall include uses such as cinemas, live theater, and/or similar show-and-audience venues, but not adult theaters or adult entertainment venues.

**Townhouse Court:** A development consisting of one or more terraces of townhouse dwellings (single-family attached dwelling units) with common parking facilities, yards, or open space.

**Traditional Neighborhood Development:** A compatible mixture of commercial and workplace uses and/or a variety of residential dwelling typologies, customarily including mixed-use buildings, developed in a compact fashion within a pedestrian-oriented grid of streets and walks.

**Transportation (Passenger) Terminal:** Land and buildings used as a relay station for the transfer of



a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

**Truck or Motor Freight Terminal:** A facility designed primarily to handle freight with limited warehousing of freight for no more than thirty (30) days, with secondary allowances for service, repair and storage of vehicles involved in the normal operation.

**Unit:** A part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way or to an easement or right of way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

**Use:** Any purpose for which a building, structure, or area of land may be designed, arranged, intended, maintained or occupied. Any activity, occupation, business or operation carried on in a building, structure, or area of land.

**Use, Accessory:** A use customarily incidental and subordinate to the principal use, building or structure, and located on the same lot with a principal use, building, or structure.

**Use, Principal:** The main or primary use of land, buildings, or structures.

**Use, Temporary:** A prospective use, intended for limited duration, to be located in a zoning district for such use, and not constituting a non-conforming use or building.

**Utility Shed:** A small non-rental building designed primarily for storage of yard and garden equipment, bicycles and miscellaneous household items incidental to a dwelling and customarily made of prefabricated materials purchased, assembled, or erected and used exclusively by the property owner.

**Variance:** Per the PA Municipalities Planning Code, Act 247, a departure from the provisions of a zoning ordinance which, because of unique physical circumstances or conditions of a specific lot, creates an unnecessary hardship that would interfere with the reasonable use of the property.

**Vehicle:** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheel chair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

**Vehicle, Abandoned:** Those vehicles without registration and/or inspection certification. Includes vehicles manifestly incapable of being locomotive in its existing condition.

**Vehicle Washing Facility:** A building on a lot, designed and used exclusively for the washing and polishing of vehicles.

**Veterinarian:** A qualified professional trained in the care and treatment of animals and in particular domestic animals. The term "veterinarian" includes the office, waiting room, examination room, treatment area and overnight recovery quarters for the usual house pets (dogs, cats, birds, hamsters, and the like). See also *Animal Hospital*.

**Viewshed:** That portion of the landscape that can be readily viewed by the observer from one or more vantage points. The extent of area that can be viewed is commonly delineated by landform, vegetation and/or distance.

**Warehouse or Distribution Center:** A building or group of buildings primarily used for the storage, transfer and distribution of products and materials.

**Wholesale:** A use devoted to the sale of commodities in quantity chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use. Such commodities shall be limited to durable goods, sundries, dry goods and nonperishable items.

**Wind Energy System (Windmill):** A device that converts wind energy to mechanical or electrical energy.

**Wireless** – Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

**Wireless Communications Facility (WCF)** – The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

**Wireless Communications Facility Applicant (WCF APPLICANT)** – Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other Borough-owned land or property.

**Wireless Support Structure** – A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Borough.

**Yard:** An open area between a building setback and the adjoining lot lines or right-of-way which may not be occupied or obstructed by any portion of any structure, except as is specifically permitted.

- A. Yard, Front: A space parallel to the front lot line and extending the full width of the lot between a required front setback line and the front lot line.
- B. Yard, Rear: A space parallel to the rear lot line and extending across the full width of the lot between the required rear setback line and the rear lot line. On a corner lot, the rear yard is the yard opposite the street of address.
- C. Yard, Side: A space parallel to the rear lot line and extending from the front yard to the rear yard between the required side setback line and the side lot line. Any lot line not a rear line or a front line shall be deemed a side line. On a corner lot, there should only be one side yard.

**Zoning District:** A section of a municipality designated in the zoning ordinance text and (usually) delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

**Zoning Hearing Board:** The Hanover Borough Zoning Hearing Board.

**Zoning Map:** The map delineating the boundaries of zoning districts that, along with the zoning text, comprises the zoning ordinance.

**Zoning Officer:** The administrative officer designated to administer the zoning ordinance and issue zoning permits.

**Zoning Permit:** A document signed by Zoning Officer, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of the municipal zoning ordinance or authorized variance there from.

## ARTICLE III: ZONING DISTRICT REGULATIONS

### § 140-300. Establishment of Districts.

- A. For the purpose of this Chapter, the Borough of Hanover is hereby divided into the following zoning districts and overlays:

R-1	Lower Density Residential District
R-3	Medium Density Residential District
R-5	Higher Density Residential District
MU	Mixed-Use District
D	Downtown District
CB	Corridor Business District
PD	Planned Development District
M	Manufacturing District
HI	Heavy Industrial District
SDO	Special District Overlay District
HO	Hospital Overlay District

### § 140-301. Zoning Map and Boundaries of Districts.

- A. Zoning Map. The boundaries of zoning districts shall be as shown on the Zoning Map, known as the "Official Zoning Map of the Borough of Hanover." Said Zoning Map and all notations, references and data shown thereon are hereby incorporated by reference into this Chapter and shall be as much a part of this Chapter as if all were fully described herein.
- B. District Boundaries. Where uncertainty exists as to the boundaries of districts, as shown on the Official Zoning Map of the Borough of Hanover, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, and railroad rights-of-way shall be construed to follow such center lines.
  2. Boundaries indicated as approximately following platted lot lines or Borough boundaries shall be construed as following such lot lines.
  3. Boundaries indicated as following watercourses shall be construed to follow the centerline. In the event of change in watercourse, shall be construed as moving with the actual watercourse.
  4. For un-subdivided land or where a Zoning District boundary divides a lot, the location of the Zoning district boundary, unless dimensions are indicated, shall be determined by the use of the scale appearing on the Zoning Map.
- C. Interpretation of Boundaries. In the case of any uncertainty as to Zoning District boundaries on the Zoning Map, the Zoning Officer shall determine the Zoning District Boundaries. The Zoning Officer's determination may be appealed to the Zoning Hearing Board.

**§ 140-302. Residential Districts.**

- A. Districts and their Purposes. The various Residential districts and their purposes are as follows:
1. [R-1] Lower Density Residential District – The purpose of this zoning district is to provide for neighborhoods of one-family dwellings of a low density.
  2. [R-3] Medium Density Residential District – The purpose of this zoning district is to provide for neighborhoods of one- and two-family dwellings of a medium density as well as very limited professional office uses.
  3. [R-5] Higher Density Residential District – The purpose of this zoning district is to provide for a variety of housing types of a medium to high density, flexibility among specified residential uses and very limited commercial uses.
- B. Principal Uses. Only one principal use per lot is permitted in Residential Districts.

Key: P = Permitted By Right    C = Conditional Use    SE = Special Exception

PRINCIPAL USE	R-1	R-3	R-5
Residential			
Dwelling, Single-Family Detached	P	P	P
Dwelling, Single-Family Semi-Detached (Twin)	SE	P	P
Dwelling, Two-Family Detached (Duplex)	SE	P	P
Dwelling, Single-Family Attached (Rowhouse)			SE
Dwelling, Multi-Family Building			SE
Garden Apartment Court			SE
Group Home	C	C	C
Halfway House			C
Mobile Home Park	C		
Retirement Home	C	C	SE
Townhouse Court			SE
Non-Residential			
Bed and Breakfast	C		
Funeral Home or Mortuary			SE
Place of Assembly/Worship	C	C	C
Entertainment or Recreation Facility, Outdoor	SE	SE	
Public Utility	SE	SE	SE
School, Public or Private	C	C	C
Short-Term Rental	C	C	C

- C. Accessory Uses.

**ARTICLE III  
ZONING DISTRICT REGULATIONS**

**Borough of Hanover Zoning Ordinance**

Key: P = Permitted By Right    C = Conditional Use    SE = Special Exception

<b>ACCESSORY USE</b>	<b>R-1</b>	<b>R-3</b>	<b>R-5</b>
Accessory Dwelling Unit	SE	SE	SE
Day Care Home, Family		SE	P
Day Care Home, Group			SE
Donation Drop Box	P	P	P
Electronic and Satellite Dish Antenna	P	P	P
Home-Based Business, No-Impact	P	P	P
Home Occupation	C	C	C
Place of Assembly Day Care Center	C	C	C
Urban Agriculture	P	P	P
Wireless Communications Facilities, Non-Tower	C	C	C

**D. Area and Bulk Requirements.**

	<b>R-1</b>	<b>R-3</b>	<b>R-5</b>
<b>Minimum Lot Area</b>	6,000 sf	4,000 sf	3,200 sf Rowhouse: 1,600 sf Multifamily: 6,400 sf
<b>Minimum Lot Width</b>	60'	50' Twin: 40'	40' Rowhouse: 20' Multifamily: 80'
<b>Max. Lot Coverage</b>	35%	40%	45%
<b>Front Yard</b>	Minimum: 25' Maximum: 45'	Minimum: 15' Maximum: 35'	Minimum: 5' Maximum: 25'
<b>Minimum Side Yard</b>	8' Twin: 8' on open side Accessory bldg.: 2'	5' Twin: 5' on open side Accessory bldg.: 2'	5' Twin: 5' on open side Rowhouse: 0' Accessory bldg.: 2'
<b>Minimum Rear Yard</b>	Principal bldg: 20' Accessory bldg.: 3'	Principal bldg: 20' Accessory bldg.: 3'	Principal bldg: 20' Accessory bldg.: 3'
<b>Maximum Height</b>	2.5 stories or 35' Accessory bldg.: 15'	2.5 stories or 35' Accessory bldg.: 15'	2.5 stories or 35' Accessory bldg.: 15'
<b>Maximum Density</b>	N/A	N/A	28 dwellings/ac



**§ 140-303. Mixed-Use and Commercial Districts.**

A. Districts and their Purposes. The various Mixed-Use / Commercial districts and their purposes are as follows:

1. [D] Downtown District – The purpose of this zoning district is to accommodate a variety of commercial, mixed-use, and institutional uses and high-density residential uses in a traditional, pedestrian-oriented downtown setting.
2. [MU] Mixed-Use District – The purpose of this zoning district is to allow for flexibility among residential, mixed-use, and neighborhood commercial uses of a medium to high density in a pedestrian-oriented setting along the Borough's major arteries (Frederick Street, Broadway, Baltimore Street, York Street, Carlisle Street, and High Street).
3. [CB] Corridor Business District – The purpose of this zoning district is to accommodate a variety of small- and medium-scale commercial uses that generally rely on motor vehicles for customer accessibility and to provide a transitional corridor along Carlisle Street between Hanover's historic core and the newer planned shopping areas on the northern edge of the Borough
4. [PD] Planned Development District – The purpose of this zoning district is to encourage the location of creative master-planned mixed-use developments in the Borough's largest tracts of undeveloped land.

B. Principal Uses.

1. Multiple principal uses per lot are permitted in Mixed-Use / Commercial districts.
2. Within the Downtown [D] District, non-residential uses and common area entrances shall occupy a ground floor façade fronting the following streets:
  - a. Center Square;
  - b. Baltimore Street, between Center Square and Walnut Street;
  - c. Carlisle Street, between Center Square and Gail Street;
  - d. Frederick Street, between Center Square and Franklin Street;
  - e. Broadway, between Center Square and School Ave (to and including 120 Broadway on the west side of Broadway);
  - f. York Street, from Broadway to 11 York Street and 18 York Street, inclusive.

3. Principal Use Table

Key: P = Permitted By Right    C = Conditional Use    SE = Special Exception

PRINCIPAL USES	D	MU	CB	PD
Residential Uses				
Dwelling, Single-Family Detached	P	P		*
Dwelling, Single-Family Semi-Detached (Twin)	P	P		*
Dwelling, Two-Family Detached (Duplex)	P	P		*
Dwelling, Single-Family Attached (Rowhouse)	P	P		*

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<b>PRINCIPAL USES</b>	<b>D</b>	<b>MU</b>	<b>CB</b>	<b>PD</b>
Dwelling, Multi-Family	P	SE		*
Boarding House	C			
Group Care Facility		C		
Group Home		C		
Halfway House		C		
Nursing or Convalescent Home		SE		
Retirement Home	SE	SE		*
Traditional Neighborhood Development				SE
<b>Non-Residential Uses</b>				
Adult Regulated Facilities				C
Animal Hospital	SE		SE	
Automobile Repair			SE	SE
Automobile Body Work			SE	
Automobile Car Wash			P	P
Automobile Sales			SE	SE
Automobile Fueling Station			P	P
Automobile Fueling Station with Convenience Store			P	P
Bar or Tavern	P	SE	C	C
Bed and Breakfast	SE	SE		
Beverage Production with Tasting Room and/or Eating Establishment	P	SE	C	C
Business Services Establishment	P	P	P	P
Commercial Parking Lot or Parking Garage	C	C		
Entertainment or Recreation Facility, Indoor	P	SE	P	P
Entertainment or Recreation Facility, Outdoor	P		P	P
Contractor Establishment			P	P
Convenience Store	P	P	P	P
Day Care Center	P	SE	P	P
Eating Establishment	P	SE	P	P
Funeral Home or Mortuary	P	P	C	
Hospital	SE			C
Hotel or Motel	P	SE	P	C
Kennel			C	
Medical and Dental Clinics and Laboratories	P	P	P	P
Medical Marijuana Dispensary	C		C	
Nightclub	C		C	
Nursery/Garden Center		SE	P	P

PRINCIPAL USES	D	MU	CB	PD
Personal Services Establishment	P	P	P	P
Place of Assembly/Worship	P	C	P	C
Professional Office	P	P	P	P
Public Utility			SE	SE
Retail Establishment	P	P	P	P
School, Public or Private	P	C	C	C
Self-Storage Facility, Exterior (Mini-Storage Warehouses)				SE
Self-Storage Facility, Interior			SE	SE
Shopping Center, Mall, or Plaza			SE	SE
Short-Term Rental	P	C		
Theater	P		SE	P
Transportation (Passenger) Terminal	C		C	
Wholesale			SE	SE

\* Permitted as part of a Traditional Neighborhood Development

#### C. Accessory Uses.

Key: P = Permitted By Right    C = Conditional Use    SE = Special Exception

ACCESSORY USE	D	MU	CB	PD
Accessory Dwelling Unit	SE	SE		
Crematorium	C	C	C	
Day Care Home, Family	P	P		
Day Care Home, Group	P	SE		
Donation Drop Box	P	P	P	P
Drive-Through Facility			C	P
Electronic and Satellite Dish Antenna	P	P	P	P
Food Trucks	P	P	P	P
Home-Based Business, No-Impact	P	P		
Home Occupation	C	C		
Parking Lot or Parking Garage	P	P	P	P
Place of Assembly Day Care Center	P	P	C	C
Urban Agriculture	P	P	P	P
Wireless Communications Facilities, Non-Tower	C	C	C	C

#### D. Area and Bulk Requirements.

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	<b>D</b>	<b>MU</b>	<b>CB</b>	<b>PD</b>
<b>Minimum Lot Area</b>	3,200 sf Rowhouse: 1,600 sf Multifamily: 6,400 sf	3,200 sf Rowhouse: 1,600 sf Multifamily: 6,400 sf	5,000 sf	20,000 sf
<b>Minimum Lot Width</b>	20'	30' Rowhouse: 20' Multifamily: 40'	50'	100'
<b>Max. Lot Coverage</b>	80%	50%	50%	50%
<b>Front Yard</b>	Minimum: 0' Maximum: 10'	Minimum: 0' Maximum: 20'	Minimum: 15'	Minimum: 15'
<b>Minimum Side Yard</b>	0'	5' Twin: 5' on open side Rowhouse: 0' Accessory bldg.: 2'	10'	10'
<b>Minimum Rear Yard</b>	0'	Principal: 20' Accessory: 3'	10'	10'
<b>Maximum Height</b>	6 stories or 75' See Note 1 below Accessory bldg.: 20'	3 stories or 40' Accessory bldg.: 20'	35' Accessory bldg.: 20'	3 stories or 40' Accessory bldg.: 20'
<b>Maximum Density</b>			N/A	30 dwellings/ac

**Notes**

1. Maximum Height in the D District: Shall be six (6) stories or seventy-five (75') feet, provided that a building or portion of a building shall not exceed a height of forty-five (45') feet on any portion of a lot less than twenty (20') feet away from a residential district.

**§ 140-304. Industrial and Overlay Districts.**

A. Districts and their Purposes. The various Industrial districts and their purposes are as follows:

1. [M] Manufacturing District – The purpose of this zoning district is to provide sufficient space to meet current and anticipated future needs for less-intensive industrial uses such as manufacturing and research/development as well as compatible commercial uses.
2. [HI] Heavy Industry District – The purpose of this zoning district is to accommodate the development and redevelopment of the most intensive industrial uses in the Borough in the areas of the Borough where such uses have traditionally been located.
3. [SDO] Special District Overlay – The purpose of this overlay district is to accommodate special industrial uses and uses involved in waste management and recycling.
4. [HO] Hospital Overlay – The purpose of this overlay district is to accommodate land uses primarily related to the practice and administration of health care.

B. Principal Uses.

Key: P = Permitted By Right    C = Conditional Use    SE = Special Exception

PRINCIPAL USE	M	HI	SDO	HO
Adult Regulated Facilities			C	
Airport or Heliport/Helistop			SE	SE
Automobile Body Work	C			
Automobile Fueling Station	C			
Automobile Fueling Station with Convenience Store	C			
Auto Repair	C			
Beverage Production, Wholesale	SE	SE		
Beverage Production with Tasting Room and/or Eating Establishment	SE			
Building Material Yard	P	P		
Bus, Taxi or Truck Yard	SE			
Concrete Mixing Plant	P	P		
Contractor Establishment	P	P	P	
Contractor or Farm Equipment, Sales and Service Facility	P	P	P	
Convenience Store	C			
Eating Establishment	SE			
Entertainment or Recreation Facility, Indoor	SE			
Entertainment or Recreation Facility, Outdoor	SE			
Hospital				P
Industrial Laundry or Dyeing Facility	P	P		
Junkyard			C	
Manufacturing	P	P	P	
Medical and Dental Clinics and Laboratories	SE			P



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<b>PRINCIPAL USE</b>	<b>M</b>	<b>HI</b>	<b>SDO</b>	<b>HO</b>
Medical Marijuana Dispensary				C
Medical Marijuana Grower/Processor	C		C	
Nursery/Garden Center	SE			
Personal Services Establishment	SE			
Place of Assembly/Worship	C			
Professional Office	SE			P
Public Utility	P	P	P	
Railroad Yard	P	P		
Research, Testing, or Experimental Laboratory	SE			P
Retail Establishment	SE			
Self-Storage Facility, Exterior (Mini-Storage Warehouses) allow?	P			
Self-Storage Facility, Interior allow?	P			
Solid Waste/Recycling Facility			C	
Truck or Motor Freight Terminal	P	P		
Wireless Communications Facilities, Tower-Based	C	C	C	C
Warehouse or Distribution Center	SE	P		
Wholesale Establishment	SE	P		

**C. Accessory Uses.**

Key: P = Permitted By Right    C = Conditional Use    SE = Special Exception

<b>ACCESSORY USE</b>	<b>M</b>	<b>HI</b>	<b>SDO</b>	<b>HO</b>
Crematorium	C			C
Donation Drop Box	P	P	P	P
Drive-Through Facility	C			
Electronic and Satellite Dish Antenna	P	P	P	P
Food Trucks	P	P	P	P
Parking Lot or Parking Garage	P	P	P	P
Place of Assembly Day Care Center	C			
Urban Agriculture	P	P	P	P
Wireless Communications Facilities, Non-Tower	C	C	C	C

## D. Area and Bulk Requirements.

	M	HI	SDO	HO
Minimum Lot Area	10,000 sf	10,000 sf	Same as base district	10,000 sf
Minimum Lot Width	50'	50'	Same as base district	80'
Max. Lot Coverage	50%	50%	Same as base district	80%
Minimum Front Yard	15'	15'	Same as base district	Minimum: 25' Maximum: 45'
Minimum Side Yard	10'	10'	Same as base district	8'
Minimum Rear Yard	20'	20'	Same as base district	20'
Maximum Height	50' Accessory bldg.: 30'	50' Accessory bldg.: 30'	Same as base district	5 stories or 60' See Note 1 below

Notes

1. Maximum Height in the HO District: The maximum height in the HO District shall be 5 stories or 60 feet, provided that a building or portion of a building shall not exceed a height of 40 feet on any portion of a lot less than 20 feet away from a residential district.

## ARTICLE IV: SPECIFIC USE REGULATIONS

### § 140-400. Accessory Dwelling Units.

Where permitted, an accessory dwelling unit shall meet the following requirements:

- A. An accessory dwelling unit shall be allowed only as an accessory use to a single-family dwelling.
- B. Only one accessory dwelling unit shall be allowed per principal dwelling.
- C. An accessory dwelling unit shall meet the definition of dwelling, be at least 500 square feet in floor area, and shall be no more than 50% of the principal dwelling's floor area
- D. An accessory dwelling unit shall comply with all applicable building codes.
- E. An accessory dwelling unit may be located within or attached to the principal dwelling, or within an accessory building. An accessory dwelling unit shall have an exterior entrance separate from the entrance to the principal dwelling.
- F. An accessory dwelling unit shall house not more than 2 individuals.

### § 140-401. Adult Book/Video Store/Adult Entertainment Nightclub.

- A. An adult book store/video store facility shall not be located within one thousand (1,000) feet of any other adult facility. Said distance shall be measured from lot line of one facility to the nearest lot line of the other facility.
- B. Said facility shall not be permitted to be located within one thousand (1,000) feet of any public or private school, day care facility, public recreation facility, or any place of worship/assembly; nor be closer than five hundred (500) feet from a residence.
- C. No materials, merchandise, film, or service offered for sale, rent, lease, loan or for view shall be exhibited, displayed or graphically represented outside of a building or structure.
- D. Any building or structure used and occupied as said facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed and no sale materials, merchandise, film or offered items of service or entertainment shall be visible from outside the structure.
- E. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.

### § 140-402. Automobile Fueling Station.

- A. A maximum of two vehicle driveway entrances/exits shall be permitted per lot; each driveway shall be no wider than 24 feet as it crosses the lot line. Other than driveways, the lot frontage shall consist of full-height curbing and sidewalks and/or landscaped buffer of at least 5 feet in depth.
- B. A landscaped buffer with a minimum of 10 feet of depth shall be provided on side and rear lot lines.
- C. Fuel pumps shall be at least 25 feet from an existing street right-of-way.
- D. Fuel pumps shall be covered by an unenclosed canopy, and lit via downlighting. Canopies shall

not be internally illuminated.

- E. A traffic impact study shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards, will generate 100 trips in addition to the adjacent roadways' peak hour volumes.
- F. A use that is primarily intended to serve trucks with three or more axles shall be required to have a minimum lot area of three acres, and all areas used for fueling and servicing shall be set back a minimum of 100 feet from all existing residential lot lines and residential zoning district boundaries.

**§ 140-403. Automobile Repair / Automobile Body Shop.**

- A. All major repair and paint work shall be performed within an enclosed building.
- B. All reasonable provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
- C. Outdoor storage of motor vehicles shall only be behind the front yard line and shall be no closer than 20 feet from any abutting lot line of a residential use.
- D. Outdoor storage of auto parts and junk shall be prohibited.
- E. Any vehicle that is not operable or does not have current registration shall not be stored in view of public streets or a residential use for a total of more than 10 days.
- F. Service bay doors should not face abutting dwellings.
- G. A use that is primarily intended to serve trucks with three or more axles shall be required to have a minimum lot area of 3 acres, and all areas used for repairs and servicing shall be set back a minimum of 100 feet from all existing residential lot lines and residential zoning boundaries.

**§ 140-404. Automobile Sales.**

- A. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- B. All outdoor display areas adjacent to a residence or residential zoning district shall have exterior lighting reduced to at least 50 percent luminosity after 10:00 P.M.
- C. Where an automobile display area abuts a Residential district, it shall include a landscaped buffer of at least 5 feet in depth along the shared lot line.
- D. Landscaping requirements:
  - 1. One tree (2 ½" cal.) per 15 display spaces shall be planted on the lot.
  - 2. A decorative landscaped strip shall be located immediately adjoining the supporting structure of any signage in all directions;
  - 3. A hedge or other desirable planting of at least 2 feet in height shall extend the entire length and breadth of the required landscaped strip.
- E. A delivery plan, reviewed by the Borough Engineer, shall demonstrate adequate delivery and associated circulation areas that do not conflict with existing Borough development and circulation patterns.
- F. The use shall have direct ingress/egress to an arterial road.

- G. All related repair and service work, car washing and lubrication shall be conducted within a completely enclosed building.
- H. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
- I. All fuel, oil and other flammable substances shall be stored at least 20 feet from any property line.
- J. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.

**§ 140-405. Automobile Salvage/Junkyard.**

- A. The minimum lot area shall be 10 acres.
- B. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- C. No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried or disposed of on the premises.
- D. The manner of storage of junk shall be arranged in such a fashion that aisles of a minimum width of 25 feet between rows of automobiles are maintained in order to facilitate access for emergency services and to prevent the accumulation of stagnant water.
- E. No automobiles shall be stored or accumulated and no structure shall be constructed within 100 feet of any existing residential lot or within 40 feet of any property line or public right-of-way.
- F. The premises shall be enclosed by an opaque perimeter wall or fence not less than 8 feet in height supported on steel posts with a self-latching gate. The fence shall be located within the interior of 25-foot-wide landscaped buffer. All other property lines shall provide a 15 foot wide landscaped buffer. Buffers shall be planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- G. The manner of storage of automobiles shall be arranged in such a fashion that it shall not be higher than the perimeter fence.
- H. The owner(s) and operator(s) of a automobile junkyard shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

**§ 140-406. Bed and Breakfast.**

- A. The owner and/or manager of the bed and breakfast shall reside in the same structure as the use.
- B. No more than 10 bedrooms may be available or used for a single bed and breakfast use.
- C. Each guest room shall be limited to two guests, unless children under the age of 16 years are accompanying the guests, and in no instance shall the total number of guests exceed 30.
- D. Service meals shall be limited to breakfast, and only to overnight guests of the facility.
- E. Signs shall conform to all sign regulations for the zoning district.

**§ 140-407. Beverage Production.**



- A. Any conditions imposed upon the establishment related to proximity from any specified land uses shall be set forth by Title 47, the Pennsylvania Liquor Code, as amended, and the Pennsylvania Liquor Control Board.
- B. To minimize conflicts and promote public health and safety, the storage of pallets, loading-related equipment and production-related materials shall be contained within an enclosed and covered structure that is connected to the principal building.
- C. The establishment shall not have a drive-through facility.
- D. Any outdoor seating areas shall be fully enclosed by fencing or landscaping, shall comply with all standards as required by the Pennsylvania Liquor Control Board, and shall only be only accessible through the interior of the facility.
- E. Liquid waste (process wastewater) from the beverage production operation shall be handled separately from domestic liquid waste and shall be in compliance with applicable discharge requirements.

**§ 140-408. Biomedical Operation.**

- A. Facility design must be in accordance with the most current version of the Biosafety in Microbiological and Biomedical Laboratories published by the U.S. Department of Health and Human Services Centers for Disease Control and Prevention and National Institutes of Health (CDC/NIH).
- B. Facilities for the treatment, proper handling, and disposal of biomedical waste must be provided.

**§ 140-409. Boarding House.**

- A. A boarding house shall require a minimum lot size of 6000 square feet.
- B. A boarding house shall be limited to a maximum of 10 rentable spaces, and may also include a dwelling for an owner-occupant.
- C. Each rentable space shall include a minimum of 150 square feet.
- D. Each individual rental space shall be limited to a maximum of two persons.
- E. The boarding house shall meet all applicable building codes, including requirements for egress, as well as adequate kitchen, bathroom, and utilities for the number of anticipated occupants.
- F. Applicants shall include floor plans along with a site plan and other required information.
- G. Exterior signs are not permitted.

**§ 140-410. Car Wash.**

- A. On-lot traffic circulation channels and parking areas shall be clearly marked.
- B. Adequate provision shall be made for the proper and convenient disposal of refuse.
- C. Centralized sewage disposal facilities and centralized water supply facilities shall be provided.
- D. Water from the car wash operation shall not flow onto sidewalks or streets, to prevent hazards from ice.
- E. New construction, reconstruction, or expansion of at least 50% in area or intensity, shall require a wash water reclamation and recycling system to be installed.

**§ 140-411. Concrete or Asphalt Batch Plant.**

- A. The lot shall be enclosed with permanent fencing and/or wall a minimum of 8 feet in height and at least 90 percent opacity.

**§ 140-412. Contractor Establishment.**

- A. A twenty-foot landscaped buffer shall be provided along any lot line abutting a residential use or district.

**§ 140-413. Convenience Store.**

- A. In Mixed-Use (MU) districts, convenience stores shall not be open between 10 p.m. and 7 a.m..

**§ 140-414. Crematorium.**

- A. Loading areas/docks shall be screened with either landscaping or fencing from neighboring uses.
- B. Outdoor storage shall not be permitted on a lot with a crematorium.

**§ 140-415. Day Care (Adult and/or Child).**

- A. The facility shall be licensed as such by the Commonwealth of Pennsylvania.
- B. Ingress and egress to the site shall be designed to assure the safe drop off and pick up. All drop-off locations shall be designed so as to not interfere with the free flow of traffic on adjacent streets.
- C. Outdoor play areas or open space shall be provided and shall be secured by a fence, at least 4 feet in height, with a self-latching gate.
- D. Exterior open space shall be provided, being usable and accessible only for patrons at a minimum ratio of 100 square feet per child. Interior space shall be provided per regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the Zoning District in which the day care center is proposed shall apply.
- E. Depending on traffic and/or adjoining use of the premises, a fence with approved height and strength may be required along the lot's perimeter for the protection of those using the day care center.
- F. Outdoor play areas that adjoin residential lots shall be screened.

**§ 140-416. Donation Drop Boxes.**

- A. Drop boxes shall be permitted as accessory uses, only to a principal commercial use in a Mixed Use or Industrial district or a non-residential principal use in a Residential district.
- B. Drop boxes shall be located only on lots of at least 10,000 square feet in area.
- C. The number of drop boxes shall be limited to two per property.
- D. Drop boxes shall be considered an accessory structure and shall adhere to any regulations concerning the location of accessory structures.
- E. Drop boxes shall not be larger than 7 feet tall, 6 feet wide, and 6 feet long.
- F. Installation of a drop box shall require written permission of the property owner. This permission shall be made available to the Borough for review upon request.

- G. Drop boxes shall display the following information on the exterior of the box: name and telephone or cell phone number of the owner/operator; the types of items sought for donation; and a statement prohibiting liquids, food or other perishable items, or dumping.
- H. Drop boxes shall not have junk or trash left outside the boxes for more than 24 hours. Drop boxes shall be emptied within 48 hours following a property owner's request.

**§ 140-417. Drive-Through Facilities.**

- I. A drive-thru window or the like shall not be located in a front yard.
- J. For uses serving food or beverages through a drive-through facility, a minimum of 5 stacking spaces shall be provided for each drive-thru lane.
- K. Stacking shall not interfere with the normal traffic flow within the lot nor shall it cause the stopping of vehicles on any public right-of way.
- L. For uses serving food or beverages through a drive-through facility, one outdoor menu board, with a maximum sign area of 20 square feet, beyond the signs normally permitted.

**§ 140-418. Entertainment or Recreation Facility, Outdoor.**

- A. Setbacks and Landscaping. Active recreation uses shall not be located within 15 feet of a lot line or within required setback areas. Landscaped buffers of 10 feet in depth shall be required along any lot line adjacent to a lot in a Residential district.
- B. Impervious Coverage. Impervious coverage, including structures, parking lots, impervious playing surfaces, and buildings, shall not exceed 60 percent of the lot.
- C. Lighting. Outdoor lighting shall meet requirements in Article VI.
- D. Hours of Operation. Lots within Residential districts, or adjacent to Residential districts, shall schedule hours of operation to minimize noise, lighting, traffic, and other negative impacts. Operating hours for the purpose of this section shall mean the period of time that the outdoor recreational or entertainment activity is occurring.
- E. Fencing. Pools shall be surrounded by a fence at least 8 feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable building codes and state requirements. Tennis courts shall be protected by a permanent fence 10 feet in height. Fencing shall be used for other activities to protect from errant balls, or other objects.

**§ 140-419. Funeral Home / Mortuary.**

- A. Loading and unloading shall not be visible from a public right-of-way.

**§ 140-420. Garden Apartment Courts and Townhouse Courts.**

- A. Each dwelling or apartment shall meet zoning and building code requirements of a dwelling unit.
- B. The minimum lot size shall be one half acre.
- C. The maximum impervious coverage shall be 70%
- D. A maximum of ten contiguous townhouse units shall be permitted in an individual terrace. The maximum length of a single garden apartment building shall be 200 feet.
- E. A 10 foot wide fire/emergency clear space shall be provided around the perimeter of each

building or terrace of townhouses. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may require a greater separation of structures.

- F. A private outdoor area in the form of a private yard, patio or balcony, but not including a driveway, shall be provided for each townhouse, immediately abutting that dwelling.
- G. For any garden apartment or townhouse development involving 50 or more dwelling units, a minimum of 10% of the total land area shall be dedicated to passive and active recreational purposes appropriate for the anticipated ages of residents.
- H. A landscaped buffer of at least 10 feet in depth shall be required along side and rear lot lines.
- I. Any mailboxes provided within the street right-of-way shall be clustered together in an orderly arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curb side are discouraged.
- J. All private streets and accessways serving more than five dwelling units, but not including parking courts, shall be built to Borough construction standards for public streets.
- K. Common trash receptacles shall be provided in locations that are convenient for residents and for collection, but located at least 50 feet from nearest residential unit. Trash receptacles shall be enclosed by a fence or wall with a minimum height of 8 feet and a minimum opacity of 80 percent.
- L. Maximum height of lighting for outdoor parking areas and roadways shall be 20 feet.
- M. Parking areas with more than 10 or more spaces shall require 2 trees to be planted (2 inch caliper at a height of 1 ft from grade) for each 10 spaces.

**§ 140-421. Group Care Facility and Group Care Home.**

- A. The Applicant of said use shall file a detailed statement of intent with the Council describing the proposed use. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to the surrounding lots and neighborhood.
- B. In a residential district, there shall be no more than six clients in a single-family detached dwelling and four clients in any other dwelling unit. In any other district where group homes are permitted, other than a residential district, there shall be a maximum of 15 clients
- C. Twenty-four (24) hour supervision of residents by a facility employee approved by the Pennsylvania Department of Public Welfare shall be required.
- D. The minimum lot size shall be one-half (1/2) acre.
- E. The institution shall be the sole occupant of the lot.
- F. A minimum of 10% of the site shall be developed for passive recreation. This area shall include outdoor sitting areas and pedestrian or wheelchair pathway.
- G. Any medical or counseling services provided shall occur on the lot only for residents and up to two nonresidents
- H. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- I. Parking areas shall be screened from view of neighboring lots or those directly across the street

from the lot.

- J. Said facility with six (6) or more residents shall not be located within one thousand (1,000) feet of another facility with six (6) or more residents.

**§ 140-422. Healthcare Facility.**

- A. Emergency facilities shall be located to minimize conflicts of circulation, parking, loading and delivery between surrounding land uses.
- B. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.

**§ 140-423. Home Occupation.**

- A. The employees of a home occupation may include the residents of said dwelling and a maximum of one non-resident.
- B. A home occupation shall not exceed 25 percent of the gross floor area of the residence, including the space for equipment needed in the occupation.
- C. The use shall not create any additional environmental impact, including but not limited to, road infrastructure, traffic, garbage, water use, and sewage, other than those impacts normally resulting from residential use.
- D. The use shall not require internal or external alterations or construction features which change the fire rating of the structure.
- E. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- F. There shall be no storage of materials or equipment outside an enclosed building.
- G. The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- H. All parking generated by the conduct of a home occupation shall be provided for on the lot.
- I. The home occupation shall not involve the use of vehicles in excess of one ton capacity or 9,000 lbs gross vehicle weight for delivery of materials to or from the premises, and such vehicles shall not be parked on the premises.
- J. There shall be no regular display of merchandise available for sale on the premises.
- K. The home occupation shall not involve the use of advertising signs on or off the premises.
- L. The following uses shall not be considered to be home occupations and shall be limited to the districts in which they are specifically authorized as permitted uses, conditioned uses or uses by special exception:
  - 1. Veterinary services, not including dog grooming
  - 2. Automobile sales, rental, service and repair shops
  - 3. Beauty shops and barbershops containing more than one chair
  - 4. Hospitals, nursing homes, group living facilities



5. Kennels and keeping of other domestic pets of similar or greater quantities
  6. Funeral homes
  7. Private clubs
  8. Private instruction to more than 3 students at a time
  9. Restaurants
- M. Day care, as defined by this Chapter, shall be considered a home occupation, provided that:
1. All of the foregoing standards for a home occupation are met.
  2. An adequate area for outdoor recreation shall be provided and shall be secured by a fence with a self-latching gate.
  3. A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any public street.
  4. Any approved home occupation which requires any type of public access to the dwelling must obtain all required approvals from the Pennsylvania Department of Labor and Industry.
- N. Normal hours of operation shall be a maximum of 7 am to 9 pm for customer/client traffic.

**§ 140-424. Hotel/Motel.**

- A. A hotel/motel shall require a minimum lot size of 6000 square feet.
- B. Each rental unit shall include a minimum of 150 square feet.
- C. Each rental unit shall have its own toilet and bathing or shower facilities.
- D. The hotel/motel shall meet all applicable building codes, including requirements for egress, as well as adequate facilities and utilities for the number of anticipated occupants.
- E. An auditorium, restaurant, tavern, pool under 3000 square feet in area, and/or gift shop operated in connection shall be permitted as a clearly accessory use to a principal hotel or motel use.
- F. All parking areas located adjacent to existing residences shall reduce exterior lights to half power after 9:00 p.m.

**§ 140-425. Incinerator.**

- A. The minimum lot area for an incinerator shall be 50 acres.
- B. An inventory of toxic corrosive flammable carcinogenic and explosive materials, chemicals, liquids, gases or solids shall be filed annually with the local fire department and 911 Service.
- C. The perimeter of an incinerator including outdoor storage areas, delivery areas and/or loading areas shall be screened from adjoining properties. All screens shall have minimum height of 8 feet and shall be constructed as earth berms, 15 foot wide landscape buffer yards, fences or walls with a minimum opacity of 80 percent.
- D. An incinerator shall have one point of ingress and egress.
- E. Incinerators shall operate between 5:00 A.M. and 10:00 P.M. No deliveries or operations shall be permitted prior to 5:00 A.M. or after 10:00 P.M.

- F. Such uses shall be located at least 200 feet from any lot line adjoining an existing residential lot and at least 100 feet from any other lot line or public right of way as defined by this Chapter.
- G. No incinerator should be located within 500 feet of an existing public or parochial school, hospital, nursing home, day care center, place of assembly/worship, public playground and public or private park.

**§ 140-426. Kennel.**

- A. Such uses shall be located at least 100 feet from any property line adjoining an existing residential lot or residential zoning district.
- B. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at an adjacent residential lot line.
- C. Outdoor animal runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a 6 foot high compact hedge or 90 percent opaque fence on all sides which are visible from an existing residential lot or a public right of way.
- D. Animals shall not be permitted to use outdoor runs from 9:00 p.m. to 8:00 a.m.. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.
- E. The kennel shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the York County Health Department shall be maintained.

**§ 140-427. Manufactured Housing.**

- A. Manufactured dwellings shall be placed on a permanent foundation and anchored to resist flotation, collapse, or lateral movement. Skirting shall be used to conceal anchoring.
- B. Manufactured dwellings shall be elevated so that the lowest floor of the manufactured home is 1 1/2 feet or more above the elevation of the one-hundred-year flood.
- C. Manufactured dwellings shall be installed in accordance with the manufacturers' installation instructions as provided by the manufacturer.

**§ 140-428. Manufacturing, Heavy/Light.**

- A. Any outdoor storage conducted on the lot shall comply with Borough standards.
- B. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- C. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

**§ 140-429. Medical Marijuana Dispensary.**

- A. A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center.

**§ 140-430. Medical Marijuana Grower/Processor.**

- A. Medical marijuana grower/processor uses shall meet the same conditional use criteria applicable

to uses under § 140-450, Manufacturing, heavy/light.

**§ 140-431. Mobile Home Park.**

- A. Lot size. A mobile home park shall require a minimum lot size of 10 acres.
- B. Setbacks. Minimum building setback lines shall be not less than 30 feet from the edge of the street right-of-way. Where applicable, side and rear building setbacks lines of at least 10 feet shall be established.
- C. Park perimeter buffer strips. All mobile homes, auxiliary park buildings and other park structures shall be located at least 35 feet from the mobile home park boundary lines. The minimum buffer strip may be reduced to 25 feet if a suitable perimeter screening of plantings or fencing is provided and approved by the Borough.
- D. Dwelling site spacing. Each individual dwelling site shall have a minimum width of 40 feet for a single unit mobile home or 65 feet for a double-unit mobile home. Mobile homes shall be located at least 20 feet from each other and 50 feet from any auxiliary park buildings and any repair, maintenance or storage areas of buildings.
- E. Foundations. Each mobile home lot shall be provided with a permanent frost-free foundation and each lot will have available adequate provisions, such as anchor bolts and tie-down straps, to assure that each mobile home has available to it a means of securing the home to its site. Skirting shall be provided for each unit to hide foundation ties.
- F. Internal street requirements. Each mobile homes shall abut an internal circulatory street, and shall not have direct access to a public right of way. The internal street system within a Mobile Home Park shall be designed and constructed according to standards defined by the Hanover Subdivision and Land Development Ordinance.
- G. Water and sewer systems. Water supply and sewage disposal system connections shall be provided to each Mobile Home lot within a Mobile Home Park. In addition, the mobile home park shall meet all requirements of the Hanover Subdivision and Land Development Ordinance with regard to said water and sewer systems.
- H. Grading and Ground Cover Requirements. The ground surface in all parts of each mobile home park shall be graded, covered in a manner to prevent erosion, and shall drain stormwater in accordance with Hanover Subdivision and Land Development Ordinance regulations.
- I. Recreation and open space requirements. A minimum of 10 percent of the gross area of the mobile home park shall be provided for recreational space. This recreational space shall be suitable for varied outdoor recreational uses. The Applicant will present assurances related to the responsibilities for land ownership, the construction and/or purchase of facilities or other features, and the perpetual maintenance of the above.
- J. Sidewalks. All mobile home parks shall provide a sidewalks along any adjacent public streets.
- K. Guest parking. Guest parking shall be provided in a common off-street parking area at the ratio of one parking space for every three mobile home dwellings.
- L. Waste Screening. All dumpster areas shall be screened from all lots and public rights-of-way. All screens shall be a minimum of 8 feet high and shall have a minimum opacity of 80 percent.

**§ 140-432. Nursery / Garden Center .**

- A. An 8 foot high wall fence or wall of at least 80 percent opacity shall be constructed around the perimeter of any storage areas if equipment and/or materials are not contained within an

enclosed building/area.

- B. The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.

**§ 140-433. Nursing Home.**

- A. The institution shall be the sole occupant of the lot.
- B. A minimum of 10% of the site shall be developed for passive recreation. This area shall include outdoor sitting areas and pedestrian or wheelchair pathway.
- C. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- D. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- E. An overnight guest shall not occupy the facility for more than 14 consecutive nights in a 30-day period.

**§ 140-434. Place of Assembly/Worship.**

- A. Accessory Uses. For Places of Worship, the following accessory uses are permitted:
  - 1. Religious education buildings, but not primary or secondary schools, which shall be treated as a distinct principal use.
  - 2. Recreation, indoor or outdoor, when accessory to worship activity.
  - 3. Accessory residences, when clearly related to worship activity, such as a parsonage or convent.
  - 4. Memorial gardens for internment of cremated remains, provided the minimum lot size shall be 20,000 square feet.
- B. Landscaping. Landscaped buffers of 5 feet in depth shall be required along any lot line adjacent to a lot in a Residential district.
- C. Impervious Surfaces. In Residential Districts, maximum impervious coverage shall be 80%.

**§ 140-435. Public Utility.**

- A. Scope. This subsection shall apply to any structure or other improvement to be constructed, including the extension or replacement or existing facilities by any public utility, as defined by existing state law, except common or contract carriers.
- B. Hearing. No special exception permit shall be issued until the Zoning Hearing Board, after a public hearing, decides that the extension or replacement of an existing facility or the construction of a new facility is reasonably necessary for convenience or welfare of the public, except by a preemption by the State Public Utility Commission.
- C. Area and Bulk. All public utility uses and buildings shall comply with the area and bulk regulations and other regulations specified for the zoning district in which such structure or use is located, except by preemption by the State Public Utility Commission.

- D. Hazardous facilities. Nothing in this subsection shall be construed to prejudice any rights of the municipality to obtain an injunction restricting the construction of facility which shall create a danger to the public safety or obtaining such other relief as may be appropriate.
- E. Exemption. This Chapter shall not apply to the construction, operation and maintenance of public utility distribution and transmission or collection systems, or an existing or proposed structure or building, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Borough of Hanover have notice of the hearing and are granted as opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings. Structures permitted for these systems shall be necessary to the distribution and transmission or collection and shall be in harmony, as much as possible, with the uses permitted in the zone where said building or structure is located.

**§ 140-436. Recycling Facility.**

- A. The use shall be conducted within a completely enclosed building.
- B. All materials shall be kept in appropriate containers, with appropriate sanitary measures to prevent the attraction of insects or rodents and to avoid any fire hazards.
- C. Such facility shall have adequate provision for serving by trucks and for off-street parking. Vehicular drop-off areas shall be located a minimum of 60 feet from any intersection or driveway and shall not conflict with residential parking.
- D. The reviewing entity shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, truck routes, hours of operation, and noise generation.
- E. A twenty-foot landscaped buffer shall be provided along any lot line abutting a residential use or district.
- F. The use shall include no processing other than collection, sorting and routine cleaning. No burning or landfilling shall occur.

**§ 140-437. School, Public or Private.**

- A. Setbacks and Landscaping. Active recreation uses shall not be located within 15 feet of a lot line or within required setback areas. Landscaped buffers of 10 feet in depth shall be required along any lot line adjacent to a lot in a Residential district.
- B. Impervious Coverage. Impervious coverage, including structures, parking lots, impervious playing surfaces, and buildings, shall not exceed 60 percent of the lot.
- C. Landscaping. Landscaped buffers of 5 feet in depth shall be required along any lot line adjacent to a lot in a Residential district.
- D. Playgrounds. Recreational areas shall be located no closer than 10 feet to an abutting street or other lot lines. Playgrounds intended for children under age 10 shall be fenced if adjacent to a street right-of-way.



**§ 140-438. Self-Storage.**

- A. Trash, radioactive or highly toxic substances, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or similar items shall not be stored.
- B. Nothing shall be stored in interior traffic aisles, off-street parking areas, loading areas or accessways.
- C. Major repairs of boats, vehicles, trailers, lawn mowers or any similar equipment shall not be permitted.
- D. No building shall be longer than 200 feet. All buildings shall be separated from each other by a minimum distance of 15 feet.

**§ 140-439. Shopping Center, Mall, or Plaza.**

- A. A traffic study shall be prepared for any proposed shopping center, mall, or plaza with 50,000 square feet or more of gross floor area.
- B. The minimum sight distance from any proposed commercial driveway to points in the left and right traveling lanes shall be measured from a point ten (10') feet back from the pavement. The developer is responsible for having sight distance information certified by a registered professional engineer or surveyor, or, if the developer does not provide such information, shall reimburse the Borough of Hanover for the cost of obtaining all necessary information.
- C. All shopping centers, malls and plazas shall have no more than one (1) driveway for each one hundred twenty-five (125') feet of lot frontage. No driveway shall be closer than fifty (50') feet from any other driveway.
- D. Parking areas shall not be permitted within ten (10') feet of the road right-of-way. This setback area shall be landscaped with suitable plants or other decorative landscape materials which will be resistant to damage from road deicing chemicals.
- E. The general siting of buildings and location of any service roads and common driveways of all shopping centers, malls and plazas shall be designed to enable adjacent properties the opportunity to connect into the circulation system of the shopping center, mall or plaza should future development occur.
- F. Loading areas shall be provided to the rear of the principal structure.
- G. A 12 foot wide fire/emergency clear space shall be provided around the perimeter of each building.
- H. Subdivision of shopping centers, malls and plazas. Subdivision of shopping centers, malls and plazas into lots not less than one-half (1/2) acre is permitted, provided all the requirements of this Section are met for the entire site. In addition, the following standards shall be required:
  - 1. The location, size, right of access and other pertinent features of the lots, driveways, parking areas and all common areas shall be described and included in deed restrictions or other suitable legal instruments prepared by the developer and submitted to the Borough of Hanover for approval.
  - 2. For driveways and curb cuts, the developer shall prepare a negative easement along the site frontage which will restrict the location, size and number of driveways as specified in the approved site plan. The negative easement will run with the land and be in favor of the Borough of Hanover and shall be recorded in the deed. It will be submitted to the Borough of Hanover for approval.

3. Individual lots subdivided under this Section shall be reviewed as separate land development plans. Each lot shall meet the applicable zoning standards for the zoning district in which it is located. This includes, but is not limited to:
  - a. Off-street parking as required by this Chapter.
  - b. Bulk, area, height, lot coverage and other standards specified in this Chapter for the zoning district in which the shopping center, mall or plaza is located. However, side and front yard setbacks shall be measured only from the outside or perimeter lot lines of the entire site; spacing between buildings and interior lot side yards shall be determined during site land development plan review by the Planning Commission. No side yards shall be required where buildings have common or party walls and share common side yard lot lines.
  - c. Sight distance requirements specified for all shopping centers, malls and plazas shall be met for any commercial use to be developed individually within the site.

**§ 140-440. Solid Waste Facility.**

- A. All solid waste storage, disposal and incineration shall be at least 100 feet from any public street or exterior lot line.
- B. All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 200 feet from any residential district or publicly owned park, or any existing residential use that the applicant does not have an option to buy or the banks of any nonintermittent creek or river.
- C. Any burning or incineration shall be carried out in a completely enclosed incinerator approved by DEP. Any material to be incinerated that is to be stored for more than three hours shall be stored in an enclosed structure.
- D. The site shall be selected and designed by a registered professional engineer with proven experience in solid waste disposal planning and operation. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable state and federal regulations.
- E. Open dumps and open burning of refuse is prohibited.
- F. The applicant shall prove to the satisfaction of the deciding body that the existing street network can handle the additional truck traffic, especially without bringing trash-hauling trucks through or alongside existing residential or residentially zoned areas.
- G. The applicant shall prove to the satisfaction of the deciding body that the proposed use would not significantly impact negatively on dwellings or neighborhoods.
- H. The applicant shall prove to the satisfaction of the deciding body that the use would not be a hazard to ground water quality, create noxious smells off of the tract or violate the performance standards of Article VI. The deciding body, upon the advice of the Borough Engineer, may require a sanitary landfill to include a double liner and a system to collect and treat leachate and methane.
- I. A chain link or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children. Earthen berms or evergreen screening shall be used to prevent the landfill operations from being visible from an expressway or arterial streets or dwellings.

- J. Health hazards. Any facility shall be operated in such a manner as to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- K. Attendant. An attendant shall be present during all periods of operation or dumping.
- L. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- M. Emergency access. The operator of the use shall cooperate fully with local emergency services. This should include practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- N. Hours of operation. Applicants are requested to agree to limit the hours of operation to between 7:00 a.m. and 9:00 p.m.
- O. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
- P. Radioactive and infectious materials. No radioactive or infectious materials may be stored, disposed of or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
- Q. Staging. No area larger than 40 acres shall be approved as a new or expanded disposal area for a sanitary landfill in any calendar year.
- R. State requirements. Nothing in this chapter is intended to supersede any state requirements. It is the intent of this chapter that when similar issues are regulated on both the Borough and state levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual state regulation preempts Borough regulation in some aspect.
- S. The applicant shall enter into an agreement with the Borough specifying the types and frequencies of environmental monitoring that will be put into place while the use is under way and after any underground use area is closed.
- T. A leachate treatment system or a recycling collection or processing center may be accessory uses.
- U. Maximum tonnage. Any resource recovery facility or solid waste transfer facility shall have a maximum capacity of 300 tons per day for treating, sorting and/or disposing of solid waste.

**§ 140-441. Traditional Neighborhood Developments.**

- A. Purpose. The purpose is to encourage innovative designs for residential uses or a combination of residential uses and/or nonresidential uses based on traditional neighborhood development goals stated in the Pennsylvania Municipalities Planning Code.
- B. Uses. Uses are limited to individual uses or a combination of compatible uses specified in Article III.
- C. Layout. New developments shall meet the following requirements:
  - 1. Developments should have multiple points of intersection with the existing street network.
  - 2. New street networks shall form a grid or related pattern with intersections less than 600 feet apart. Cul-de-sacs and other non-through street ends shall not be permitted.

3. Alleys are encouraged to access rear parking and service areas.
  4. On-street parking shall be required on all non-alley streets.
  5. Sidewalks shall be constructed on both sides of all non-alley streets. All buildings shall be oriented towards non-alley streets, with primary entrances from sidewalks along non-alley streets.
  6. At least 2% of the gross area of a development site shall be permanently set aside as civic spaces, to be used as a public plazas, neighborhood squares, or similar centralized civic gathering space.
  7. For every 50 dwellings an additional 1% of the gross area of the development site shall be set aside for playgrounds, community gardens, ball courts, or other active recreational uses. For every 100 dwellings, an additional 1% should be set aside as passive open space with walking paths and landscaping.
  8. As a general principle, existing attractive or unique natural features, such as watercourses and waterbodies, wetlands, steep slopes, woodlands, specimen trees and other areas of mature vegetation should be preserved and incorporated into the development as open space.
  9. Non-residential uses should be grouped together along arterial or collector streets, served by pedestrian-oriented streetscapes, and be provided with shared off-street parking.
  10. Off-street parking spaces or garages for residential uses should be accessed from rear alleys. Off-street parking lots serving non-residential uses shall not be located in front of the buildings.
- D. Area and Bulk Requirements. The following area and bulk requirements shall apply to lots or structures within a traditional neighborhood development:

<b>Minimum Lot Area</b>	3,200 sf Rowhouse: 1,600 sf Multifamily: 6,400 sf
<b>Minimum Lot Width</b>	20'
<b>Max. Lot Coverage</b>	80%
<b>Front Yard</b>	Minimum: 0' Maximum: 20'
<b>Minimum Side Yard</b>	0' Twin: 5' on open side Accessory bldg.: 0'
<b>Minimum Rear Yard</b>	Principal: 20' Accessory: 0'
<b>Maximum Height</b>	4 stories or 50' Accessory bldg.: 20'
<b>Maximum Density</b>	30 dwellings/ac across entire development

**§ 140-442. Urban Agriculture.**

- A. Only the planting, raising, harvest, storage, and sale of fruit and vegetable matter for human consumption shall be permitted. Animal husbandry or production of animal-based products shall not be permitted, with the exception of apiaries and apiary-related products.
- B. While in-ground agriculture may occur within any portion of a lot, all structures associated with urban agriculture (fences, hoop houses, greenhouses, coolers, hydroponic setups, etc.) shall meet the area and bulk requirements of the zoning district.

**§ 140-443. Warehouse.**

- A. Storage of solid waste, explosive or flammable materials, hazardous or highly toxic substances, radioactive substances, animals, animal carcasses or similar items shall not be permitted.
- B. Outdoor storage of foods and/or materials which create odors or attract animals shall not be permitted.
- C. Warehouse uses shall be located not closer than two hundred (200) feet from any abutting property that is in a different zoning district.
- D. A landscaped buffer of at least 15 feet in depth shall be required along any lot line adjacent to a Residential district.

**§ 140-444. Wireless Communication Facility.**

- A. **Purposes.** The purposes of this ordinance include a desire to establish reliable standards for the siting, design, permitting, construction, operation, inspection, maintenance, repair, modification, removal and replacement of wireless communications facilities in recognition of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); the federal Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) Pub. L. No. 112-96, 126 Stat. 156 (2012), and FCC regulations promulgated thereunder by the Federal Communications Commission (FCC), including the FCC's Report and Order of October 21, 2014, FCC 14-153 (rel. Oct. 21, 2014); and the Pennsylvania Wireless Broadband Collocation Act (Act 191 of 2012), 53 P.S. § 11702.1 *et seq.* in the Borough of Hanover ("Borough"). Moreover, the Borough desires to plan and accommodate for the managed deployment of infrastructure that is necessary to accommodate the wireless communications needs of the Borough's residents, businesses and emergency service providers. While the Borough recognizes the benefit of wireless communications facilities in providing high quality communications service and enhancement to its residents, businesses and emergency service providers, the Borough also recognizes that it has an obligation to protect public safety through the standards set forth in the following provisions.
- B. **Definitions.** The definitions found herein apply only to Wireless Communications Facilities and the regulations found in this Article:
  - 1. **Accessory Equipment:** Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar equipment.<sup>1</sup>
  - 2. **Antenna:** Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. An antenna

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<sup>1</sup> 53 P.S. § 11702.2.



shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio

3. **Base Station:** A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.
  - a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services (i.e., wi-fi) and fixed wireless services (i.e. point to point microwave transmissions) such as microwave backhaul.
  - b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
  - c. The term includes any structure other than a tower that, at the time the relevant application is filed with the Borough under this subpart, supports or houses equipment described in sub-paragraphs (i) and (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
  - d. The term does not include any structure that, at the time the relevant application is filed with the Borough under this section, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section.<sup>2</sup>
4. **Collocation:** The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.<sup>3</sup>
5. **Distributed Antenna System (DAS):** A small network of antennas that are connected to a common source that provides coverage in a building or a small geographic area.
6. **Eligible Facilities Request:** Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.<sup>4</sup>
7. **Eligible Support Structure:** Any tower or base station, provided that it is existing at the time the relevant application is filed.
8. **Equipment Compound:** An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.<sup>5</sup>
9. **Ft. Worth Attachment:** A non-freestanding pole which is attached to an electrical transmission tower which is used to support antennas and accessory equipment and which is anchored to the ground and obtains lateral bracing by direct attachment to the electrical

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<sup>2</sup> 47 C.F.R. § 1.40001(b)(1).

<sup>3</sup> *Id.* at § 1.40001(b)(2).

<sup>4</sup> *Id.* at § 1.40001(b)(3).

<sup>5</sup> 53 P.S. § 11702.2.

transmission tower.

10. **Minimum Functional Height:** Minimum height necessary for a WCF to function satisfactorily.
11. **Modification:** The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.<sup>6</sup>
12. **Monopole:** A tower which consists of a single pole structure without any guy wires, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.
13. **Replacement:** The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.<sup>7</sup>
14. **Right-of-Way (ROW):** The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the Right(s)-of-Way.
15. **Site:** For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.<sup>8</sup>
16. **Stealth Technology:** State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennas and other facilities which blend the proposed WCF into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, light poles, utility poles or flag poles.
17. **Substantial Change OR Substantially Change:** A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> 47 C.F.R. § 1.40001(b)(6).

- a. for towers other than towers in the public rights-of-way, it increases the original height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other existing towers or base stations, it increases the original height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
  - b. for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other existing towers or base stations, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
  - c. for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
  - d. it entails any excavation or deployment outside the current site.<sup>9</sup>
18. **Tower:** Any structure that exceeds ten feet (10') in height and is built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services (i.e. wifi) and fixed wireless services (i.e. point to point microwave transmission) such as microwave backhaul, and the associated site. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure designed and constructed for a sole or primary purpose other than supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, as well as a Ft. Worth Attachment shall not be considered a tower.<sup>10</sup>
19. **Tower-Based Wireless Communications Facilities (Tower-Based WCF):** Wireless communications facilities that include the installation of a new tower to support the transmission equipment. A WCF that requires the replacement of an existing structure (i.e. building, water tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure) to support the weight of a WCF is not considered a new Tower-Based WCF.
20. **Transmission Equipment:** Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a

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<sup>9</sup> *Id.* at § 1.40001(b)(7).

<sup>10</sup> *Id.* at § 1.40001(b)(9).

microwave backhaul.<sup>11</sup>

21. **WCF on Existing Structure:** Wireless communications facilities located on existing structures such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.
  22. **Wireless:** Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.
  23. **Wireless Communications Facility (WCF):** The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure.
  24. **Wireless Support Structure:** A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if approved by the municipality.<sup>12</sup>
- C. Zoning District Regulations for Wireless Communications Facilities (WCF).
1. Tower-Based WCF outside the ROW are:
    - a. Permitted as a special exception in the Industrial Districts; and
    - b. Prohibited in all other districts, except that tower-based WCF's outside the ROW are permitted on all property owned by the Borough regardless of zoning district.
  2. Tower-Based WCF within the ROW are permitted as a special exception in the D,MU, CB, and PD zoning districts only.
  3. Non-Tower-Based WCF's are permitted by right subject to application requirements stated herein in all districts, except that no non-Tower-Based WCF shall be located, in any zoning district, on a single-family attached dwelling, single-family detached dwelling, townhouse or structure accessory to any of the above.
  4. Eligible Facilities Requests that do not substantially change the tower or base station are permitted by right in all zoning districts.
- D. Bulk and Area Requirements. Charts A & B, establishing lot, yard, height and other requirements pursuant to § 140-305, are amended to reflect the following requirements in the applicable zoning districts to which each chart pertains:

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<sup>11</sup> *Id.* at § 1.40001(b)(8).

<sup>12</sup> 53 P.S. § 11702.2.

CHART A: TOWER BASED WCF's			
		WCF out of ROW	WCF in ROW
Height		<p>Tower-Based WCFs shall be designed to minimum functional height but not to exceed 100 feet. Applicants must submit documentation justifying the total height.</p> <p>Equipment buildings, cabinets and accessory structures shall not exceed 15 feet in height.</p>	<p>Tower-Based WCFs shall be designed to minimum functional height, not to exceed 55 feet in non-residential districts. Applicants must submit documentation justifying the total height.</p>
Lot size	Only use on lot:	Subject to underlying zoning district.	Not Applicable.
	Combined with another use on lot:	Subject to underlying zoning district. Area needed to accommodate the WCF and guy wires (if approved), equipment building or cabinets, security fence, and buffer planting must not extend outside the lot.	Not Applicable.
Setbacks	Towers:	Setback from property lines at least one hundred percent (100%) of the combined height of the wireless support structure and antenna, or the applicable minimum building setback in the underlying zoning district, whichever is greater.	Not Applicable.
	Equipment buildings/cabinets:	Subject to applicable minimum building setback in the underlying zoning district.	Not Applicable.
Location	Towers, equipment buildings/cabinets	Shall not be located between front façade of the principal structure and the street the lot fronts on, except for equipment cabinets located underground.	Not Applicable

CHART B: NON-TOWER BASED			
		WCF out of ROW	WCF in ROW
Height	On building or similar structure:	WCF shall not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a variance.	Not Applicable.
	On electrical transmission towers, street lights, utility poles, traffic signals, signs and similar structures:	WCF shall not exceed a height of 5 feet above the electrical transmission tower, street light, utility pole, traffic signal, sign and similar structure, unless the WCF applicant obtains a variance.	WCF located above the surface grade shall consist of equipment components designed at the minimum functional height.
Setbacks	Mounted antenna:	Not Applicable.	Not Applicable.
	Equipment buildings/cabinets:	WCF Equipment buildings/cabinets shall comply with the applicable minimum building setback requirements in the underlying zoning district.	Not Applicable.
Lot size	Subject to applicable minimum lot size in the underlying zoning district.		Not Applicable.

## E. Design, Construction and Operations.

1. All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, modified, removed and replaced in strict compliance with all current applicable federal and state technical and safety codes.
2. Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property.
3. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications services.
4. Collocation. All Tower-Based WCFs where the Tower is more than 40 feet in height, located outside of the Right-of-Way, shall be designed to accommodate both the applicant's Antennas and comparable Antennas for future users. As a condition of approval for all Tower-Based WCFs where the Tower is more than 40' in height, the applicant shall agree to allow other service providers to collocate Antennas on the Tower where technically and



economically feasible.

5. Signage. All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising, shall not protrude from the tower or WCF, and is subject to approval by the Borough. For tower-based WCF's outside of the right-of-way, the sign shall not exceed two (2) square feet in area. For all other WCF's, the sign shall be limited to the maximum necessary size to provide the required information in a readable manner.
6. Lighting. Towers shall not be artificially lighted beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect to surrounding properties as is permissible while still meeting state or federal requirements.
7. Noise. All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the Borough. The use of a backup generator is prohibited except that in emergency situations and for periodic maintenance and testing by the wireless communications provider's technicians, such use shall be permitted, where such noise standards may be exceeded on a temporary basis.
8. Vehicular Access.
  - a. An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all Tower-Based WCFs located outside of the Right-of-Way.
  - b. Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
  - c. Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.
  - d. Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
  - e. An applicant shall present documentation to the Borough that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.
  - f. Any required access easement shall be a minimum of 20 feet in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least 10 feet throughout its entire length.
  - g. Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.
9. Fencing. A security fence, which may include barbed wire, with a minimum height of eight (8') feet may be required to surround any Tower-Based WCF located outside the Right-of-Way, where the Tower is more than 40 feet in height, including guy wires, associated equipment, and buildings. All or any of the requirements herein for a security fence may be waived by the deciding body when the fence would not be appropriate or feasible.
10. Safety in Rights-Of-Way.
  - a. Schedule of operations. The Borough shall determine the time, place and manner of

siting, design, construction, maintenance, repair, Modification, removal and/or Replacement of all WCFs located in the Right-of-Way, based on public safety, traffic management, physical burden on the Right-of-Way and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.

- b. Alteration of a WCF. Within 60 days following written notice from the Borough, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the Right-of-Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:
    - i. The construction, repair, maintenance or installation of any municipal or other public improvement located in the Right-of-Way.
    - ii. The operations of the Borough or other governmental entity in the Right-of-Way.
    - iii. Vacation of a street or road or the release of a utility easement.
    - iv. An emergency as determined by the Borough.
    - v. No permit is required for such removal, relocation, change or alteration ordered by the Borough.
  - c. Visual obstruction. All WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the Right-of-Way as determined by the Borough. In no case shall ground-mounted equipment, walls, screening or landscaping be located within (18) inches of the face of the curb, or in an area in which there are no curbs, within (3) feet of the edge of cartway.
- 11. Maintenance. An applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety and noise impacts of such maintenance.
  - 12. Soil report. An applicant for a Tower-Based WCF where the new Tower is more than 40 feet in height, shall submit a soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-G, as amended, shall be submitted to the Borough Engineer prior to construction to document and verify the design specifications of the foundation for the Wireless Support Structure and anchors for the guy wires, if used.
  - 13. Aviation safety. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.
  - 14. Inspections for all WCFs where the new Tower is more than 40 feet in height. A copy of any required inspection report shall be provided to the Borough following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Borough.
  - 15. Equipment Storage. The storage of unused equipment or supplies is prohibited on any WCF site.
  - 16. Historic Sites. No WCF may be located on a building or structure that is listed on either the

National or Pennsylvania Registers of Historic Places or has been given a historic designation by the Borough. This prohibition may be waived by the deciding body for special exception and by Borough Council for other applications, if the applicant can demonstrate that the proposed location is less visually obtrusive than other potential sites.

F. Aesthetics, Landscaping, and Screening.

1. Stealth Technology. All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable. In the case of a tower-based WCF, compliance with this Section may be evidenced by the following:
  - a. The tower shall have a galvanized finish or be painted silver above the top of surrounding trees and green below treetop level.
  - b. The tower shall comply with Federal Aviation Administration and Pennsylvania Bureau of Aviation lighting standards and shall not be artificially lighted unless required by those agencies.
2. Landscaping and Screening. An applicant for Tower-Based WCF where the new Tower is more than 40 feet in height shall submit a landscaping and screening design including the following:
  - a. The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF support structure shall be preserved to the maximum extent possible.
  - b. Ground mounted equipment must be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by Borough. Where the site abuts a residential zoning district, public property or street, a buffer area shall be provided along the perimeter abutting the residential district to include at minimum 2 staggered rows of evergreen trees a minimum of six feet in height, which trees shall be replaced with trees of at least six feet in height when dead or damaged.

G. Replacement, Collocation, or Modification.

1. Notwithstanding the requirements for all Tower-Based WCFs and WCFs on Existing Structures, as set forth in this sub-section, an application for Replacement, Collocation or Modification of a previously approved Wireless Support Structure or WCF shall be reviewed for conformance with the Borough building permit requirements, including requirements applicable to the added structural loading of the proposed Antennas and Accessory Equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no Substantial Change.
2. Replacement of WCFs on existing Wireless Support Structures or within existing Equipment Compounds may be performed by the applicant without obtaining building or zoning permits from the Borough.
3. Any Substantial Change to an existing Tower-Based WCF shall require approval of the Borough in accordance with the terms of this Section.
4. Mounting. An applicant proposing a WCF on Existing Structure to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the WCF on Existing Structure will be mounted on the existing structure for review by the Borough building code official for compliance with the building code.

## H. Permit Requirements.

1. Collocation Analysis. An application for a new Tower-Based WCF where the new Tower is more than 40 feet in height and located outside of the Right-of-Way, shall not be approved unless the applicant demonstrates that the Wireless communications equipment planned for the proposed Tower-Based WCF cannot be collocated on an existing structure or building within a [1/4 or 1/2] mile radius of the proposed Tower-Based WCF location to achieve the coverage or capacity objectives of the applicant.
2. Gap in Coverage or Lack of Adequate Capacity. An applicant for a Tower-Based WCF where the new Tower that is more than 40 feet in height, located outside of the Right-of-Way, must demonstrate that a significant gap in Wireless coverage exists or lack of adequate capacity is likely to exist within one year of the filing of its application with respect to the applicant in the area.
3. Authorization. An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property.
4. Licensing and applicable regulations. If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses.
5. Emissions. The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic emissions.
6. Insurance. The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.
7. Review timeframes.

WCF Review Timeframes

		Borough shall notify the applicant in writing of any information that may be required to complete application.	Borough shall approve or deny the application unless a shorter time period is applicable under the PA MPC.
A	New Tower-Based WCFs	Within 30 calendar days of the date the application was filed with the Borough.	Within 150 days* of submission of a complete application for a WCF.
B	WCF on Existing Structures	Within 30 calendar days of the date the application was filed with the Borough.	Within 90 days* of submission of a complete application for a WCF.
C	Eligible Facilities Requests** (as defined)	Within 30 calendar days of the date the application was filed with the Borough.	Within 60 days* of submission of a complete application for a WCF.
<p>*The time period may be tolled by mutual agreement or in cases where the Borough informs the applicant in a timely manner that the application is incomplete.</p> <p>If an application is considered incomplete, the time period begins running again as soon as the applicant makes a supplemental submission, but may be tolled again if the Borough provides written notice to the applicant within 10 days that the application remains incomplete and specifically delineates which of the deficiencies specified in the original notice of incompleteness have not been addressed.</p>			
<p>**The Borough shall only require the applicant to provide documentation that is reasonably related to determining whether the request is for an Eligible Facility.</p>			

8. Application Fees.

- a. Non-special exception applications - The Borough may assess appropriate and reasonable permit application fees directly related to the actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the actual reasonable cost to review and process the application.
- b. The Borough may assess to the applicant, in addition to application fees, appropriate and reasonable review fees directly related to the costs incurred by the Borough, including but not limited to professional/ consultant fees to review the WCF application.
- c. For special exception applications, the Borough's regular special exception application fees shall apply.

I. Discontinuation, Abandonment and Removal.

1. Discontinuation. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner/operator shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

- a. All unused or abandoned WCFs and accessory facilities shall be removed within (6-12) months of the cessation of operations at the Site unless a time extension is approved by the Borough.
- b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a Site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough and the Borough's costs in connection with removal, including professional or consultant fees, and the cost of removal work and site remediation, may be assessed against the owner of the WCF or the property upon which the WCF was located.
- c. Any unused portions of WCFs, including Antennas, shall be removed within six (6) months of the time of cessation of operations.

- J. Reimbursement for Right of Way Use. In addition to permit application fees, every Tower-Based WCF in the right-of-way is subject to the Borough's right to impose annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such annual fee shall be directly related to the Borough's costs of owning, maintaining, managing the right-of-way and to the loss of use to the Borough of that portion of the right-of-way consumed by the WCF.

- K. Special Exception Criteria and Procedures. The Applications for special exception approval for Tower-Based WCF shall, in addition to meeting other applicable requirements of this Article, meet the following criteria:

1. Applicant shall provide to the Borough, prior to issuance of a zoning permit for construction, financial security to guarantee the removal of any Tower-Based WCF. Such financial security shall be in an amount determined by the Borough Engineer based upon industry standards for removal and shall be acceptable in form and content to the Borough Engineer.
2. No Tower-Based WCF shall be located or within 100 feet of an area in which all utilities are located underground.
3. Applicant shall provide a propagation study evidencing the need for the proposed tower and WCF, description of the type and manufacturer of the proposed transmission and receiving equipment, the frequency range assigned to the WCF applicant, the power in watts at which the WCF transmits and any relevant tests conducted by the applicant to determine the need



for the proposed site tower and WCF.

4. The applicant shall supply documentation demonstrating that the proposed WCF complies with all state and federal requirements regarding aviation safety.
5. Where the WCF is located on a property with another principal use, the applicant shall present documentation that the property owner has granted an appropriate lease or easement for the WCF and for access to the WCF.
6. The special exception general procedures and criteria at § 140-501 shall apply and be satisfied by the applicant. In addition, the applicant shall, at its expense, mail written notice of the scheduled public hearing to all owners of record of property within five hundred (500) feet of the proposed WCF. Such notice shall be mailed at least fourteen (14) days prior to the scheduled public hearing and the applicant shall provide a copy of such notice and proof of such mailing to the Borough at or before the time of the hearing.



## ARTICLE V: SITE IMPROVEMENTS STANDARDS

### § 140-500. Permitted Accessory Structures and Uses.

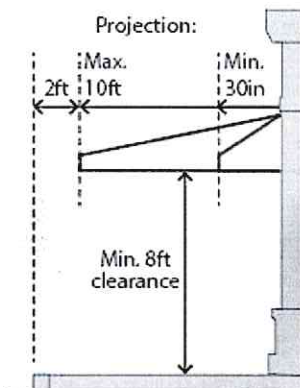
Accessory structures and uses that are clearly customary and incidental to a principal use are permitted by right, unless specifically stated in Article III, and are subject to the requirements of this Ordinance and the specific requirements in this section. The controls imposed within this article shall be held to apply uniformly throughout the Borough unless specifically stated.

### § 140-501. Accessory Structures Area and Bulk Controls.

- A. Unless specifically exempted, an accessory structure or use attached to a principal building shall comply with the area and bulk requirements of the principal building.
- B. Unless specifically exempted, accessory structures and uses shall not project into or be placed in required front, side or rear setbacks.
- C. Unless specifically exempted, accessory structures and uses shall not be located closer to the front lot line than the front wall of the principal building.

### § 140-502. Awnings, Canopies, and Overhead Encroachments.

- A. Overhanging eaves, awnings, canopies, marquees, and entry steps/stoop coverings are permitted to encroach past minimum front yard setback, provided they are not in conflict with sidewalks, parking, travel lanes, street trees, and other streetscape furnishings. A minimum of 8 feet above sidewalk level shall be kept clear of overhanging encroachment.
- B. Awnings shall project a minimum of 30 inches from the building façade and a maximum of 10 ft or 2 feet behind the curb, whichever is closest to the building.
- C. Awnings shall be cloth, glass, or standing seam metal. Structural elements may be metal, wood, or glass. Aluminum, vinyl, and plastic materials shall not be permitted.
- D. Awnings should incorporate an angled surface and not be entirely vertical or horizontal. Quarter-cylinder, bubble, and convex awning configurations are discouraged.
- E. Awnings and overhangs shall not be internally illuminated.
- F. Awnings and overhangs shall complement the fenestration pattern of the building façade – for example, rectangular awnings shall be used for rectangular windows, arched or bubble awnings for arched windows.



NOT PERMITTED:  
Box awnings, plastic, internally lit



Awnings should  
complement architecture

**§ 140-503. Balconies, Porches, Patios, and Decks.**

- A. Balconies. Balconies shall project no more than 5 feet from the façade. Balconies shall not project within 5 feet of a common lot line. Balconies may be enclosed by posts and balustrades (railings) and shall not be otherwise enclosed above a height of 42 inches. Balconies aligned vertically may post up to one another and share a single roof element.
- B. Porches. Roofed porches attached to a principal building shall be considered part of a principal building and shall comply with the area and bulk requirements of the principal building. Porches should be flush with or not more than 8 inches below the ground story finished floor elevation, and should be at least 5 feet deep.
- C. Patios. Patios shall be at grade and unroofed. Patios may extend into required setbacks, up to 1 foot from the property line. Patios shall count as impervious surface.
- D. Decks. Decks shall comply with principal building setbacks.

**§ 140-504. Fences, Walls, and Barriers.**

- A. Height. The maximum permitted height of a fence, wall, or barrier is 6 feet, with the exception of the following:
  - 1. Fences, walls, or barriers in front yards (refer to Graphic 1) in residential districts or for residential-only uses in other districts, shall be ornamental fences/walls/barriers, limited to 4 feet in height. Fences, walls, or barriers shall have equally spaced open and closed sections of the same dimension. No opening shall be less than 3 inches and the fence, wall, or barrier shall have a minimum transparency of 60 percent.
  - 2. Retaining walls necessary to support geo-technical needs of a lot.
  - 3. A fence, wall, or barrier around a tennis court may be a maximum of 10 feet in height and shall not project into any front, side or rear yard of a lot.
  - 4. A fence, wall, or barrier not exceeding 10 feet in height may be erected in any required yard for schools, playgrounds, parks, or in any required side or rear yard in commercial or industrial districts, except for a residential-only use.

PRIMARY STREET

FRONT LOT LINE

INTERIOR LOT

SIDE LOT LINE

REAR LOT LINE

CORNER LOT

FRONT LOT LINE

SIDE LOT LINE

SECONDARY STREET

FRONT YARD LOCATION - Maximum Height: 4 ft | Minimum Transparency (Spacing of panels/pickets)

SIDE YARD/REAR YARD LOCATION - Maximum Height: 6 ft

1. The following materials are permitted as visible surfaces for a front yard fence, wall, or barrier: Metal or Wrought Iron Picket (with safe picket tops); Brick; Stone; Finished or Cast Concrete; Wood; Vinyl Picket; or Finished Composite Wood. Chain-link or cyclone fences are not permitted in front yards.
2. All fence, wall, or barrier materials permitted in the front yard are permitted in the side and rear yard, with the addition of chain-link or cyclone fences.
3. To maintain consistency with the Borough's established character, fences, walls, or barriers using materials such as metal or polyvinyl chloride slats interwoven through chain link or cyclone fences, walls, or barriers shall not be permitted.
4. Hedges and shrubbery shall not constitute an open/closed fence, wall, or barrier.
5. Fences, walls, or barriers through which an electrical current can be passed, giving an electric shock to any person or animal touching it, shall not be permitted.
6. Fence, wall, or barrier requirements for outdoor swimming pools shall follow § 3109: Swimming Pool Enclosures and Safety Devices of the IBC 2009 Code for Swimming Pools.
7. Structural members such as stringers, rails, or the like that are used to support or stabilize a fence, wall, or barrier shall only be situated upon the interior side of the fence, wall, or barrier, facing the interior of the lot and not the adjacent lots or rights-of-way. For fences, walls, or

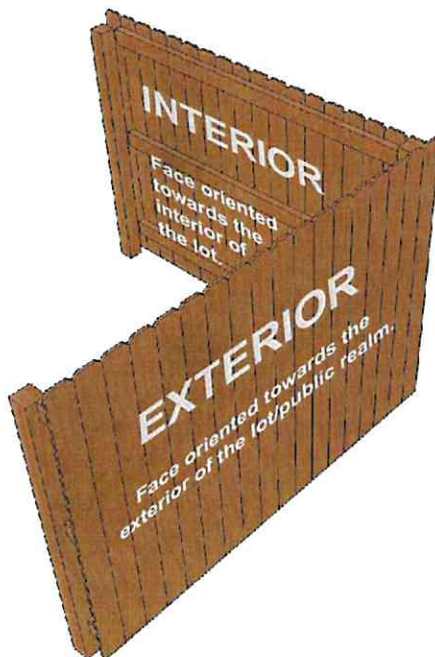


barriers constructed of a combination of materials, the structural material shall only be situated on the interior of the structure (see Graphic 2: Interior/Exterior Face Orientation – Brick, Stone, or Cast Concrete.)

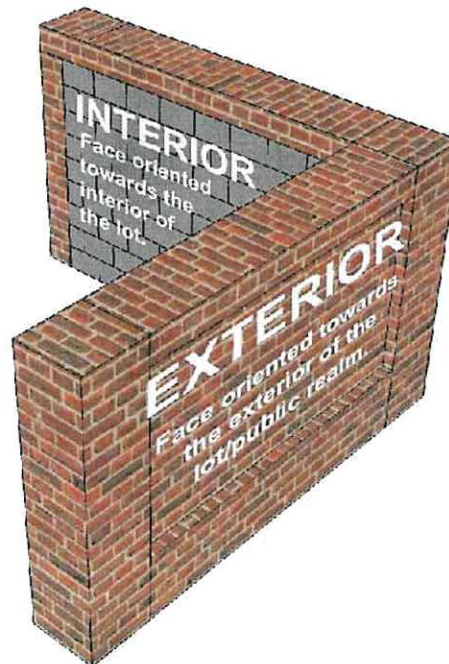
8. A transparent or opaque fabric windscreen affixed to a fence, wall, or barrier shall be permitted only as a temporary installation when located in the front yard. Any graphic, illustration, and or text on such a windscreen shall be subject to Borough sign requirements for the Zoning District in which the lot exists. Such an installation shall require the approval of the Borough Code Enforcement Officer. The maximum permitted period of time of the installation shall be 6 months, with the ability to extend the permitted period by 60 days with the approval of the Borough Manager.
9. A permanent windscreen shall be permitted to be affixed to any fence/wall/barrier so long as it is not located between the front lot line and the front façade as measured farthest from the lot line. No graphic, illustration and/or text shall exceed forty-eight (48) square inches on any one face of any permanent windscreen.
10. Any retaining wall less than 4 feet in height as exposed above the ground plane shall not be required to have a structural review to identify geo-technical needs. Retaining walls greater than 4 feet are subject to the Borough building permit process. An applicant shall meet with Borough Staff and the Borough Engineer to review the retaining wall proposed location. If it is determined by the Borough Engineer that a geo-technical report is necessary, the applicant shall produce said report, including applicable recommendations associated with the proposed retaining wall construction.

*Graphic 2: Interior/Exterior Face Orientation*

WOOD BOARD:



BRICK, STONE, OR CAST CONCRETE:



**§ 140-505. Garage Sales (Including Yard Sales and Porch Sales).**

- A. Garage sales shall include only the occasional sale of personal effects, and may include the rental of on-site parking spaces. A garage sale shall not include wholesale sales.
- B. No dwelling unit shall hold a garage sale during more than four days per calendar year.
- C. Garage sales shall only be conducted by the owner of the lot or tract where such activity is conducted, by an occupant of the dwelling unit thereon erected, or by a duly licensed transient retail vendor.

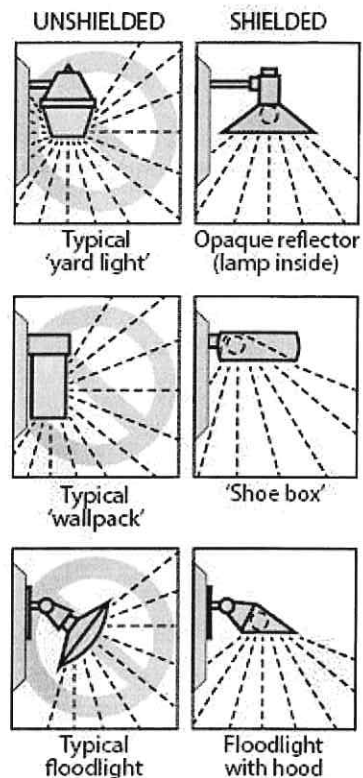
**§ 140-506. Landscaping.**

- A. Ground Cover. All disturbed areas of developed property shall be suitably landscaped with trees, shrubs, ground cover, or turf to prevent dust, erosion or mud conditions.
- B. Street Trees. As part of the development of any new primary structure, excepting a single-family or two-family dwelling, at least one deciduous tree for each 60 feet of street frontage (not including alleys) shall be planted. Street tree species shall be appropriate for their intended location, and shall not interfere with pedestrian facilities, utilities, or overhead wires. Trees shall have a minimum trunk diameter when planted of two inches measured one foot above the finished grade level.
- C. Required Landscaped Buffer. Except in Residential Districts, wherever any parking lot, trash collection, outdoor storage, merchandising, or service areas is within 30 feet of a common line with a Residential Zoning District, a planting screen at least 4 feet in depth shall be required, located along the lot line or other location sufficient to obstruct the clear and obvious view from the adjoining district. Where, because of grade changes, intense shade, or soil conditions, a planting screen cannot be expected to thrive, a wooden fence or masonry wall may be substituted.
- D. Landscaped Buffer Specifications. All landscaped buffer required by this Chapter shall consist of plants at least 30 inches high when planted and maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of 5 feet at maturity. The proposed plantings should be expected to thrive and provide screening that will not create a nuisance or hazard.

**§ 140-507. Lighting.**

- A. Purpose. The purpose of these provisions is to minimize light trespass across lot lines; reduce light pollution that causes sky-glow; and reduce visibility-impairing glare. Any illumination or lighting which is of such intensity, or so directed, or so located as to cause a hazardous condition or danger to the person or property of others or interfere with and restrict the lawful use and enjoyment of property in the Borough by others may be declared to be a public nuisance.
- B. All indoor and outdoor lighting shall be designed, installed, located and maintained so that nuisance glare onto adjacent lots or streets shall be minimized and all direct illumination kept within the boundaries of the lot. Any glare on a lot shall not exceed a rating of 3 on the DeBoer Scale.

- C. Lighting elements that cast a perceptively unnatural spectrum of light (such as low pressure sodium and mercury vapor sources) are not permitted. Fluorescent lights, not including compact fluorescent bulbs that use standard sockets, shall not be used for exterior lighting. Low voltage and light emitting diode (LED) lighting systems are encouraged.
- D. Flashing, blinking, running, scrolling, traveling, animated, or intermittent lighting shall not be visible from the exterior of any building unless associated with a temporary holiday display.
- E. Light sources shall be fully shielded or cutoff, and shall not be visible from any street right-of-way or abutting property.
- F. Lighting shall use sensor technologies, timers or other means to activate lighting only during times when used. All non-residential site lighting, including building, sign and parking lot lighting, shall be kept extinguished outside of those business hours, except for lighting determined to be necessary for site security and the safety of residents, employees, and customers.
- G. Illumination levels. Two lighting zones are established as follows. If the Applicant can demonstrate that an equivalent result can be produced through a proposed alternative lighting solution, Borough Council may grant approval to said Photometrics Plan:



1. Lighting Zone 1 – Residential Districts and MU Zoning District

- There shall be a maximum illumination value shall be 0.10 horizontal and vertical foot-candles at all lot lines when measured 3 feet above the ground surface.
- The maximum on-site illumination value shall be 3 foot-candles and the average on-site illumination value shall be less than or equal to 1 foot-candle when measured 3 feet above the ground surface.
- No more than 5 percent of the fixture's lumens shall be emitted at a 90 degree angle or greater from nadir.
- Lights on motion sensors shall not be triggered by movement or activity located off the property on which the light is located.

2. Lighting Zone 2 – All Other Zoning Districts

- There shall be a maximum illumination value of 0.20 horizontal and vertical foot-candles at all lot lines when measured 3 feet above the ground surface.
- The maximum on-site illumination value shall be 5.0 foot-candles and the average on-site illumination value shall be less than or equal to 1.5 foot-candles when measured 3 feet above the ground surface.
- No more than 10 percent of the fixture's lumens shall be emitted at a 90 degree angle or greater from nadir.



**§ 140-508. Outdoor Display and Seating.**

- A. Outdoor activities accessory to ground-floor retail businesses and consumer services, including outdoor dining areas, outdoor display of products actively available for sale, and a single temporary sandwich board sign (not larger than 6 feet per face) shall be allowed within street-facing front or side yard areas.
- B. Outdoor accessory activities shall not block any building entrances, and shall not be located in the public right-of-way unless otherwise permitted.
- C. All displays, seating, and other elements shall be stored inside a fully-enclosed building outside of business hours.



Outdoor accessory activity examples

**§ 140-509. Outdoor Commercial and Industrial Storage.**

- A. Outdoor storage of commercial or industrial materials shall be permitted only if such storage is part of the normal operations conducted on the premises, subject to design and performance standards.
- B. Storage shall not occupy any part of the public right-of-way, or any area intended or designed for pedestrian use, required parking, or required buffer areas. Storage shall not be located on land with an average slope in excess of 15%.
- C. Organic rubbish or storage shall be contained in airtight, vermin-proof containers which shall also be screened from public view. All such storage shall be located behind the minimum front yard setback line.

**§ 140-510. Outdoor Storage of Boats, Motor Homes, Campers, Trailers and Similar.**

- A. Outdoor storage of vehicles shall abide by the Borough's Large Vehicle Ordinance.
- B. In Residential districts, boats, motor homes, campers, general utility trailers or similar shall not be parked or stored outside an enclosed building in excess of 3 continuous weeks.
- C. Trailers used for office or storage purposes for building contractors are excepted. Any travel trailer and accompanying equipment so used by a building contractor shall be promptly removed upon completion of construction.
- D. The three week period shall be considered broken only if said vehicle is removed from the Borough for a period of at least 3 weeks, or stored within a structure for a period of at least 3 weeks.

**§ 140-511. Parking and Loading Requirements.**

- A. Off-Street Parking Requirements. Any application for a zoning permit, conditional use, or special exception shall include a site plan and other required documents as described below, illustrating

proposed off-street parking spaces.

B. Parking Lot Standards

1. Access.

- a) Off-street parking spaces shall be accessed via an entrance driveway or access road, and not directly from any public street excepting an alley.
- b) Driveways through a required front or side yard shall be a maximum of 12 feet in width for a one-way driveway and 24 feet for a two-way driveway. Driveways in all Residential districts shall be one-direction through a required front or side yard, except for those serving a two-or more garage entrance on a street-fronting wall of the primary structure; such driveways may be a maximum of 20 feet wide.
- c) Driveway curb cuts shall be located a minimum of 50 feet from an intersection and 50 feet from other curb cuts.
- d) Driveways and curb cuts shall not disrupt pedestrian movement; any existing or required sidewalk shall continue across a proposed driveway, with ADA-compliant ramps and tactile strips placed as needed.
- e) Driveways, curb cuts, and internal circulation aisles, emergency lanes, and drop-off areas shall remain free of obstructions and shall not disrupt vehicular movement on adjacent streets or within adjacent lots.

2. Location.

- a) Not in Public Right-of-Way. Off-street parking shall not be located within any public right-of-way unless otherwise specifically stipulated as allowable in other sections of the Borough Zoning Ordinance. Parking aisles and any maneuvering required to reach a parking space shall not occur on any public street.
- b) Setbacks. Except in the Corridor Business (CB) and Planned Development (PD) districts, all parking spaces shall be located behind the front wall of the primary structure, or side wall for a parking lot accessed across a street-fronting side lot line. For lots without a primary structure, all parking spaces shall be located behind the furthest extent of a front or street-fronting side setback. Within the CB and PD districts, parking lots may be permitted in required setbacks, however, parking lots shall be located at least 5 feet from any right-of-way line, with the area between the right-of-way line and parking area landscaped.
- c) Off-Site Parking. Required off-street parking may be provided by one or more off-street parking lots or structures, provided that all such lots or structures meet the requirements of this section; all required parking is located 400 feet of walking distance from the subject use; and a right-to-use agreement is legally recorded and attached to all lots involved.
- d) Shared Parking. Multiple uses may provide parking in a common parking lot, provided the total number of spaces in such lot provides for the sum of required parking, except as allowed by other provisions. Shared parking shall be located within 400 feet of the uses it serves. A right-to-use agreement shall be legally recorded and attached to all lots involved.
- e) On-Street Parking. In Downtown (D) and Mixed-Use (MU) districts, 40% of the public on-street parking spaces within 400 feet of a use's primary entrance may count towards required parking.

3. Dimensions.

- a) Parking areas serving more than two dwelling units shall have marked parking spaces.
- b) Individual parking spaces shall be at least 9 feet by 18 feet in size.
- c) The layout of spaces, aisles, and driveways shall be in a manner that facilitates the motion of vehicles without having to move another, subject to review by the Borough Engineer.

4. Surface.

- a) Parking areas containing more than four parking spaces shall have an approved surfacing of asphalt, concrete, brick, pavers, or other surface as approved by the Borough Engineer, and shall be capable of use in all seasons.
- b) Stormwater runoff shall meet requirements of the Borough's SALDO and stormwater ordinances.

5. Landscaping.

- a) Along a Public Right-of-Way. Any portion of a parking area fronting a public street other than an alley shall include a landscaped buffer of at least 5 feet in depth between the right-of-way and the paved parking area.
- b) Screening. Any portion of a parking area serving a non-residential use that abuts a lot within a Mixed-Use (MU) district or any residential (R) district shall provide a continuous evergreen hedge, opaque fence, or wall 6 feet in height between the parking area and the lot withing the MU or R district.
- c) Interior Landscaping. Any parking lot with 30 or more parking spaces shall be required to provide landscaped areas within islands, peninsulas, and/or at corners of the parking area. This required landscaped area shall be equal to a minimum of 5% of the total paved area.
- d) Trees. For a new or reconstructed parking lot, one deciduous tree shall be required for every 4,000 square feet of paved parking area, including driveways. At the time of planting, trees shall have a trunk diameter of 2 inches measured at one foot above finished grade level.

6. Lighting. Parking lighting shall meet performance standards for lighting in this article. In addition, the following regulations apply:

- a) Parking area light fixtures shall be limited to a maximum of 20 feet in height.

7. Accessible Parking. As applicable, all new and substantially new structures and/or required parking facilities shall be in compliance with the Pennsylvania Accessibility Act and Americans with Disabilities Act (ADA). Accessible parking spaces shall be located, dimensioned, surfaced, and signed in accordance with these acts.

C. Required Parking Spaces.

- 1. Minimum Parking Requirements Table. If the specific use is not listed here, the Zoning Officer shall use the most proximate use or determine minimum parking through a parking study provided by the applicant. Multiple uses shall provide the sum of parking required by the individual uses, except as permitted below.

Use	Required Off-Street Parking Spaces
Residential Uses	
Dwellings	2 space per dwelling unit
Boarding House	1 space per guest room
Group Care Facility; Group Home; Halfway House; Nursing Home	1 space per 4 beds + 1 space per employee
Retirement Home	.5 space per residence unit + 1 space per employee during largest shift
Non-Residential Uses	
Automobile Repair Garage; Body Shop	2 spaces per repair/service bay + 1 space per employee during largest shift
Automobile Fueling Station	1 space per employee during largest shift
Bed and Breakfast; Hotel or Motel	1 space per rentable guest space
Convenience Store	1 space per 200 square feet
Day Care	1 space per teacher and/or employee + 1 drop-off space per 5 students
Eating Establishment; Bar; Tavern; Tasting Room	1 space per 3 seats
Home Occupation	base requirement for the dwelling + 1 space per employee
Industrial; Manufacturing; Wholesale Use	1 space per employee during largest shift
Medical and Dental Clinics and Laboratories; Animal Hospital; Hospital	1 space per exam room + 1 space per employee during largest shift
Personal Services; Business Services Establishment	1 space per 200 square feet of customer service area
Professional Office	1 space per 300 square feet of total floor area
Retail Establishment	1 space per 300 square feet of customer area
School	1 space per faculty member and/or employee + 1 space per 4 students, aged 16 or older
Theater, Place of Assembly or Worship; Funeral Home	1 space per 4 seats

2. Parking Reductions. The following parking reductions are available, but shall not be used in combination.
- a) Special Exception. The Zoning Hearing Board may permit a reduction, through a special exception, of the number of parking spaces required for an individual use listed in the table above, provided the applicant can demonstrate, using existing and projected employment, customer, resident or other relevant data, that a reduction in the off-street parking spaces as required by this article is warranted.



- b) Mixed-uses. Multiple uses sharing a parking facility (e.g. a shopping center, a mixed-use building, or off-site shared parking) may reduce the total amount of required parking if the applicant can demonstrate that the peak parking demands associated with the uses are offset during a typical day. The matrix to the right provides guidance for reducing parking requirements for common use combinations, whereas the combined parking required by all uses is divided by the factor in the matrix. For example, a retail + residence development normally requiring  $50 + 50 = 100$  parking spaces, would instead require  $100 / 1.2 = 83$  spaces.

SHARED PARKING FACTOR				
Function	with			Function
RESIDENTIAL				RESIDENTIAL
LODGING				LODGING
OFFICE				OFFICE
RETAIL				RETAIL

		1		
	1.1		1.1	
		1		
1.4		1.4		
1.7		1.7		
1.3		1		1.3
1.2		1.2		
	1.2		1.2	
		1		

- c) Park-Once Environments. Uses within the Downtown or Mixed-Use zoning districts, or within a shopping center use, may reduce total required parking by 40%.

**D. Loading Standards.**

1. Loading spaces shall be logically and conveniently located for pickups and deliveries and scaled to anticipated delivery vehicles. Loading spaces shall not be located in a required front yard.
2. Loading space shall be either striped/signed separately from required parking, or applicants shall demonstrate that loading activities occur during off-peak times.
3. Loading spaces for vehicles of over two-ton capacity shall not be closer than 30 feet to any property in a Residential or MU district unless completely enclosed by a structure, or screened by an opaque fence or wall at least 6 feet in height.

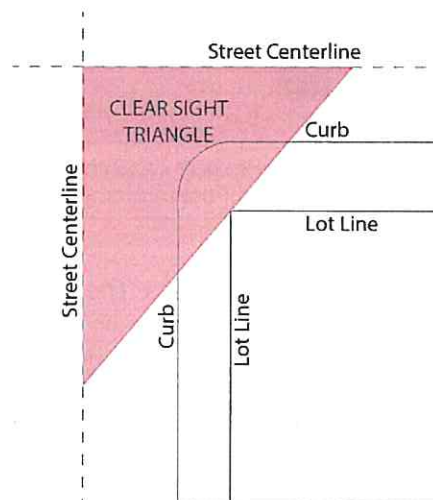
**§ 140-512. Satellite Dish Antennas.**

The Borough of Hanover has determined that private satellite dish antennas over two feet in diameter impact upon the surrounding neighborhood to a greater extent than other antennas and are hereby regulated as follows:

- A. Satellite dish antennas over two (2) feet in diameter shall not be erected on any part of a principal or accessory structure nor on the buildable area of a lot between the front yard and a line parallel to the front line of the principal structure on the lot nor in the buildable area of the lot between the side yard and the principal structure on the lot.
- B. No more than one (1) satellite dish antenna can be located on a property, except in the case of licensed radio or television broadcast facilities and public uses and facilities.

**§ 140-513. Sight Lines.**

**Clear-Sight Triangle.** On a corner lot a structure, fence, wall, planting, or vehicle shall not be erected, placed, planted, or allowed to grow in such a way as to impede vision of pedestrian and vehicular traffic within clear-sight triangles on all corners between a height of 2.5 feet and 7 feet above the



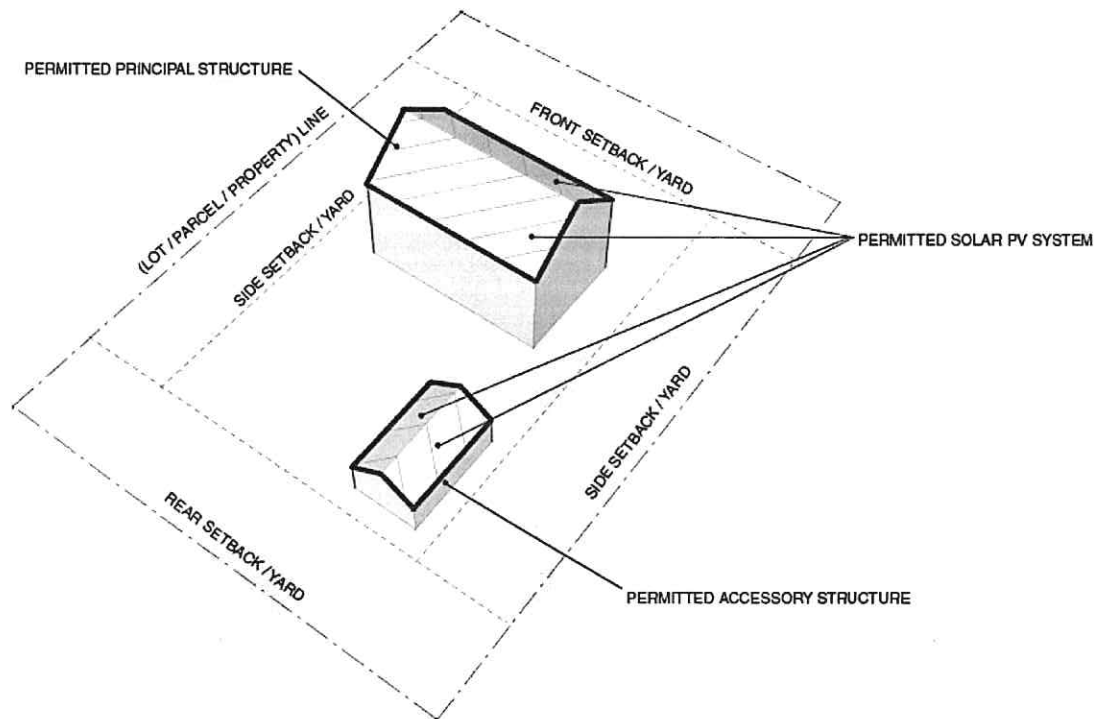
center-line grades of intersecting streets. The clear-sight triangle is formed by the intersecting center lines of the streets and a third side closing the triangle where it touches the corner lot.

**§ 140-514. Solar Systems.**

- A. Applicability. This Section applies to building-mounted and ground-mounted systems installed or constructed after the effective date of the section. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall also comply with the provisions of this Section.
1. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot.
  2. Building-integrated systems, as defined by this section, are not considered an accessory use and are not subject to the requirements of this section.
  3. All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.
  4. Solar PV systems shall be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority. All wiring shall comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania. The solar PV system shall be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.
- B. Location.
1. Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area. Building-mounted systems shall only be mounted on lawfully permitted principal or accessory structures.
  2. Ground-mounted systems shall comply with setback requirements for accessory structures. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts. Ground-mounted systems shall not be located between the front lot line and the front wall of the principal building. For ground-mounted systems, all exterior electrical lines shall be buried below the surface of the ground where possible or be placed in conduit.
  3. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the parcel's lot coverage limitations for the zoning district.



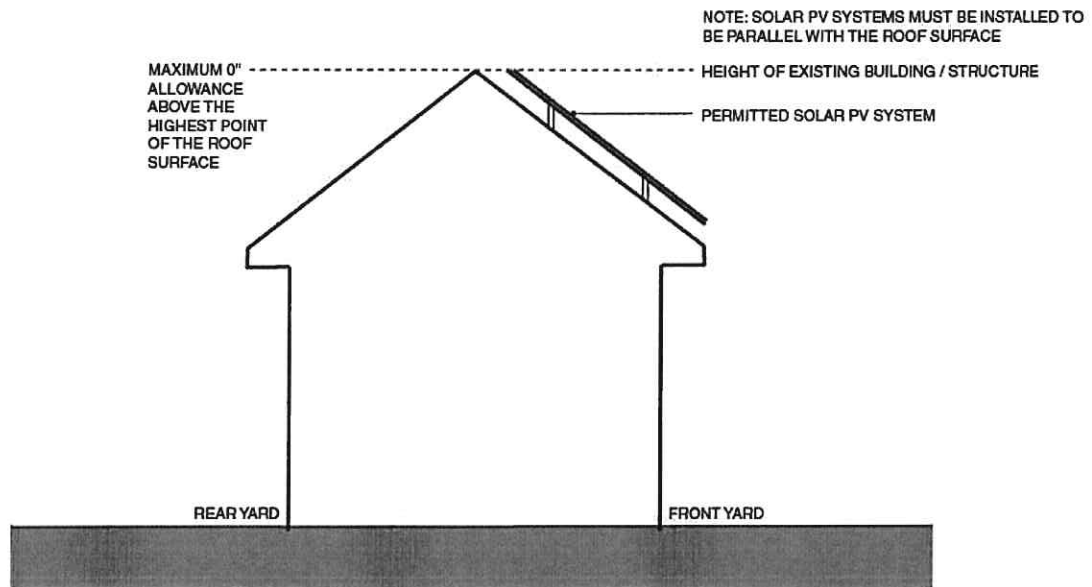
*Graphic 1: Permitted Location: Building Mounted Solar PV System Isometric*



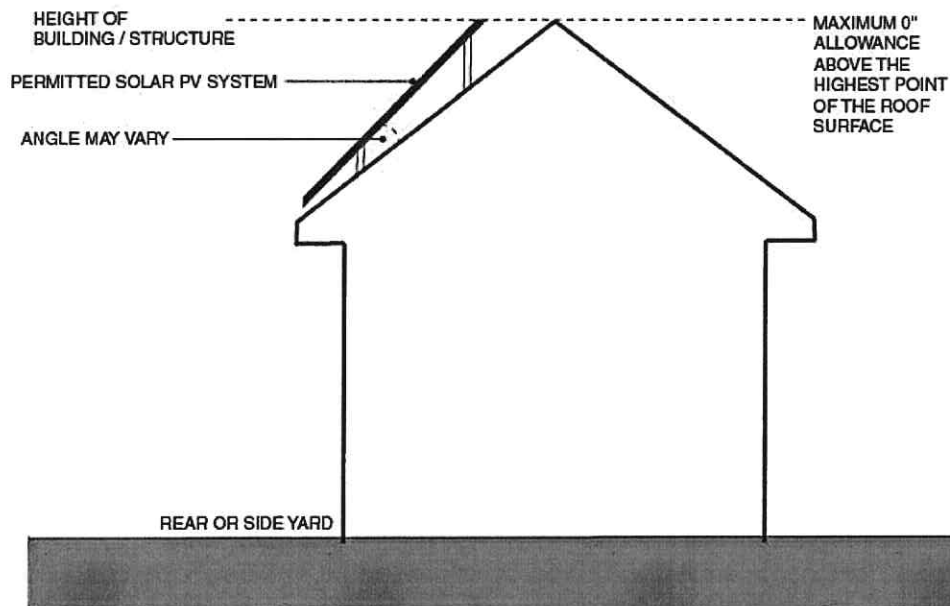
C. Height.

1. For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.
2. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
3. Building-mounted systems on a sloped roof shall not be required to be screened.

*Graphic 2: Height Restriction, Sloped Roof Facing Front Yard: Building-Mounted Solar PV System Elevation.*



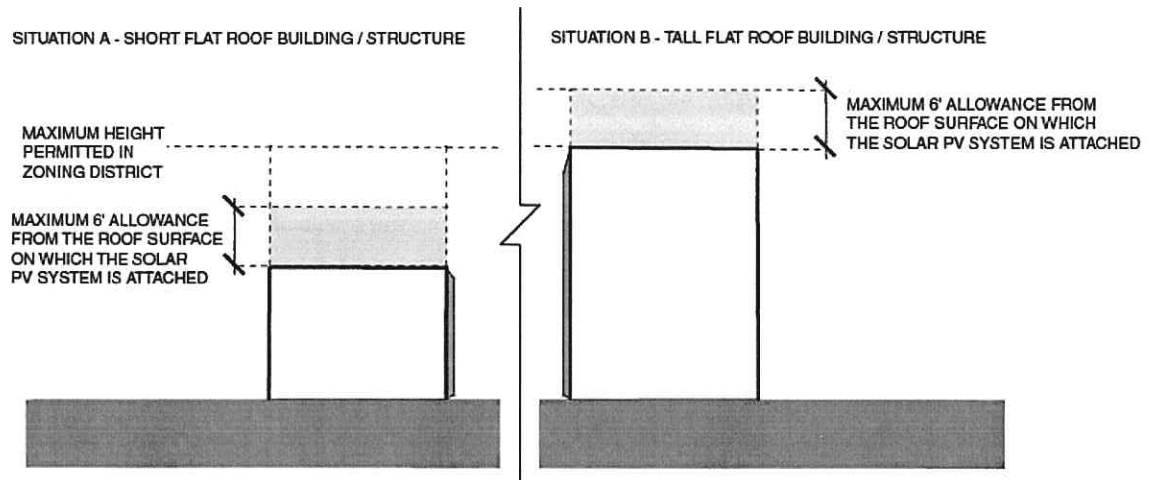
*Graphic 3: Height Restriction, Sloped Roof Facing Rear or Side Yard: Building-Mounted Solar PV System Elevation.*



4. For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.

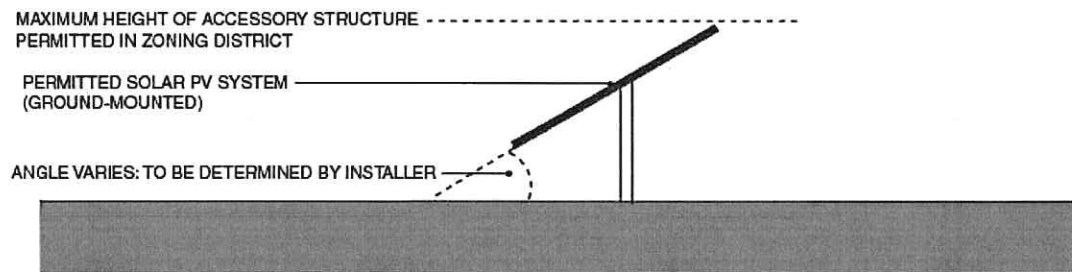
*Graphic 4: Height Restriction, Flat Roof: Building-Mounted Solar PV System Isometric.*

HEIGHT RESTRICTION, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM  
ISOMETRIC



5. Ground mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.

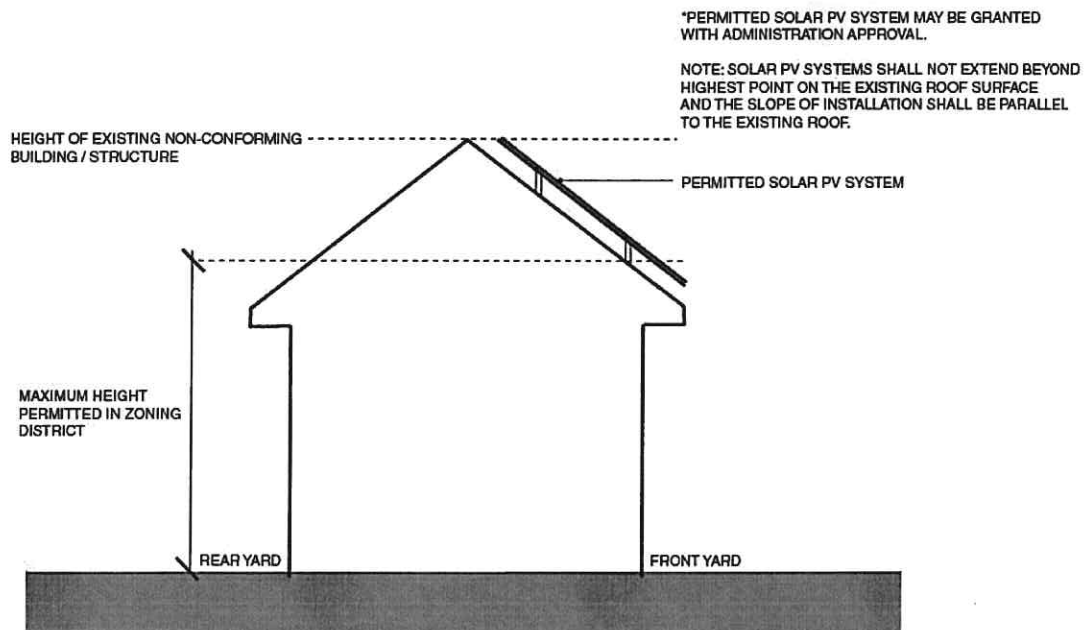
*Graphic 5: Height Restriction: Ground-Mounted Solar PV System Elevation.*



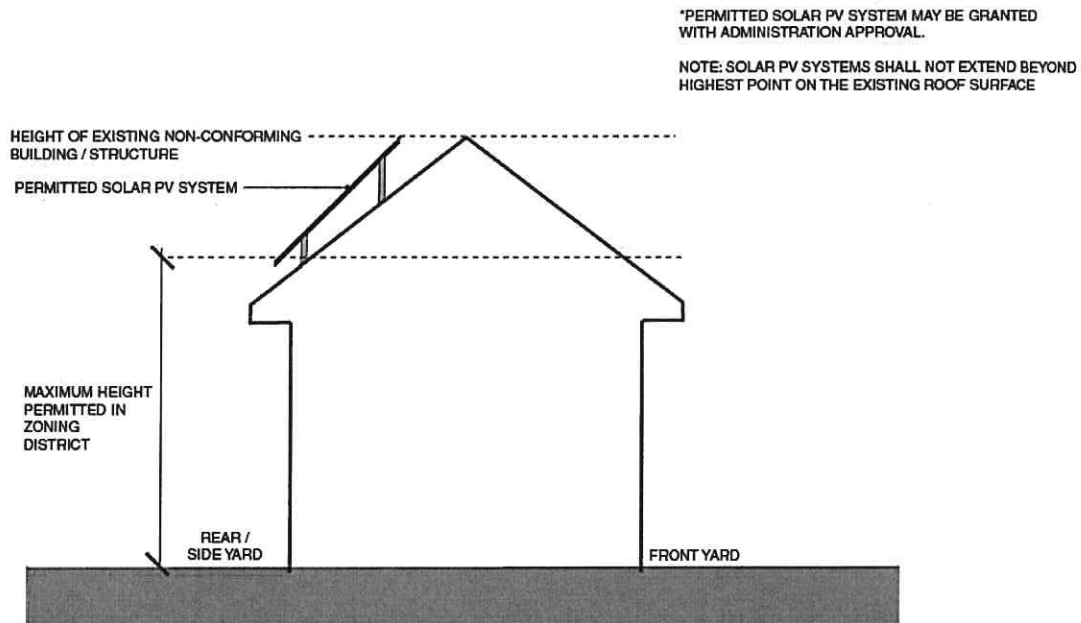
D. Non-Conformities.

1. If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Section.

*Graphic 6: Non-Conforming Building, Sloped Roof Facing Front Yard: Building-Mounted Solar PV System Elevation.*

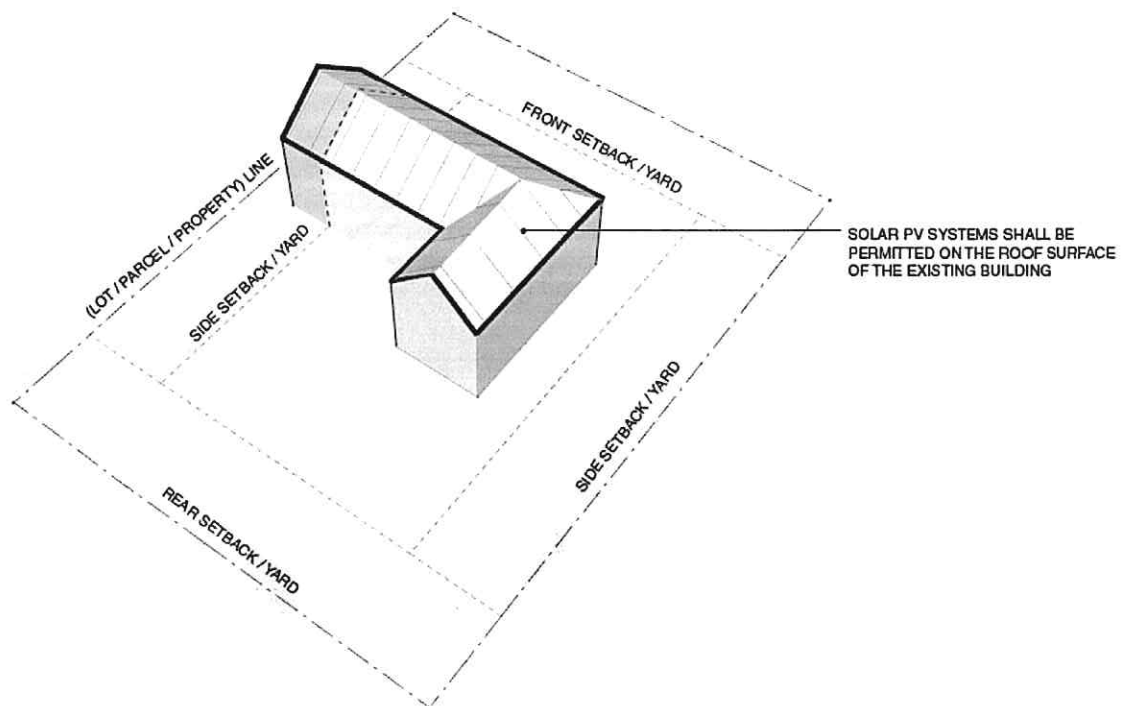


*Graphic 7: Non-Conforming Building, Sloped Roof Facing Rear or Side Yard: Building-Mounted Solar PV System Elevation.*



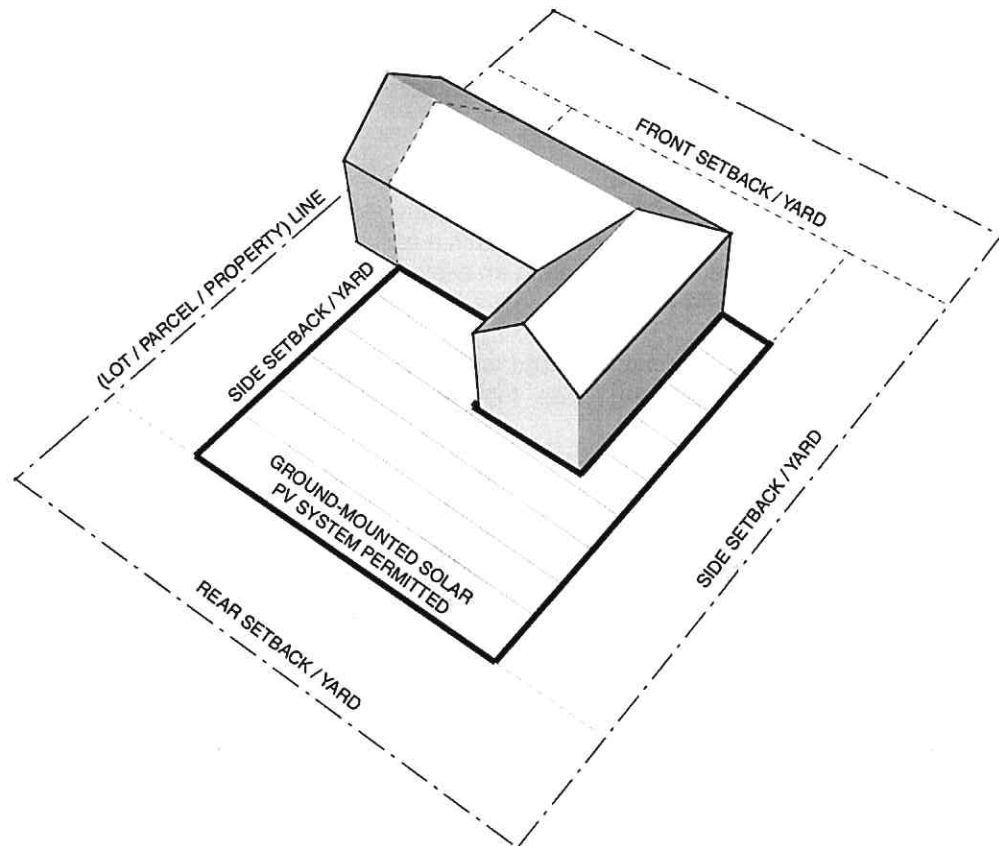
2. If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Section.

*Graphic 8: Non-Conforming Lot, Setbacks, and/or Lot Coverage Limits: Building-Mounted Solar PV System Isometric.*



3. If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

Graphic 9: Non-Conforming Lot, Setbacks: Ground-Mounted Solar PV System Isometric.



- E. Signage. Signage or graphic content shall not be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.
- F. Permit. Before any construction or installation on any solar PV system shall commence, a permit issued by Hanover Borough shall be obtained to document compliance with this section and any other applicable section.
- G. Inspection. The Borough reserves the right to inspect a solar PV system for building or fire code compliance and safety.
  - 1. If upon inspection the Borough determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Borough may order the landowner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the landowner of his or her right to appeal such determination.
  - 2. If a landowner fails to repair or remove a solar PV system as ordered, and any appeal rights have been exhausted, the Borough may enter the lot remove the system and charge the landowner for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the landowner's expense.
  - 3. In addition to any other available remedies, any unpaid costs resulting from the Borough's removal of a vacated abandoned or de-commissioned solar PV system shall constitute a lien



upon the lot against which the costs were charged. Legal counsel of the Borough shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Borough in connection with the removal work and the filing of the Borough's claim.

**§ 140-515. Swimming Pools.**

- A. A permanent in-ground or aboveground private residential swimming pool, accessory to a 1-family or 2-family dwelling, may be located within a required rear yard, but shall not extend closer than 15 feet to a rear lot line, unless abutting an alley or street, and shall not extend closer to a side lot line than the required side yard depth.
- B. An in-ground pool shall be enclosed with fencing and gates/latching as required by the Borough Code, International Building Code, International Residential Code and/or Universal Construction Code, as applicable.

**§ 140-516. Temporary Structures.**

- A. A temporary structure shall be determined to be for a use which is permitted in the zoning district. Said structure shall not be used to house a permanent use. Temporary structures may include but are not limited to: a kiosk, tent, accessory recreational structure, shed or trailer that is temporarily used for construction purposes. Such structures shall not disturb or impair traffic ingress/egress, the clear sight triangle at intersections of driveways and streets or the intersection of streets and fire lanes and shall be authorized, in writing, by the owner of the lot(s).
- B. A temporary structure may be permitted on private property, for a period of up to 45 days. An extension of time may be requested by the landowner and/or developer in writing to the Zoning Officer, provided the purpose for which the temporary structure has been permitted and is still actively occurring. In no case shall more than two 45 day extensions be permitted.
- C. A temporary structure may be permitted in Borough right-of-way for a period of up to 30 days.

**§ 140-517. Utility, Mechanical, and Waste Equipment.**

- A. Mechanical equipment, including air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, dumpsters, storage tanks, and similar equipment shall be screened from view from streets (not including alleys).
- B. Trash collection areas, trash compaction, recycling collection and similar service areas shall be located to the side or rear of buildings, behind the front wall of the principal structure, and shall be screened from view from adjacent property or public street right-of-way (not including an alley). Outdoor dumpsters shall be secured, and all gates shall remain closed except when not being loaded or unloaded.

**§ 140-518. Wind-Related Systems.**

Windmills, wind wheels, or wind energy conversion systems (WECS) shall be permitted in all zoning districts, subject to the following conditions:

- A. No said systems or equipment shall be erected in a front yard or within the area between a front lot line and the front building façade of the principal building on the lot.
- B. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and shall not be more than 45 feet in

height.

- C. The minimum distance between grade and the lowest point of the rotor blade shall be 20 feet.
- D. All electric lines/utility wires shall be buried underground.
- E. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a 6 foot fence with screening planting in accordance with this Chapter. The supporting structure shall also be enclosed by a 6 foot fence, unless the base of the tower is not climbable for a distance of twelve 12 feet.
- F. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed 140 square feet.
- G. One windmill, wind wheel or WECS shall be permitted per lot.
- H. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless all applicable cogeneration requirements are met.
- I. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within 60 days.
- J. The applicant shall demonstrate that any noise from the wind generating unit shall not exceed 45 dBA measured at the property line.
  - 1. A "decibel" shall mean a unit for measuring the relative intensity of sounds. More specifically, a unit for expressing the ratio of two (2) amounts of acoustic signal power equal to ten (10) times the common logarithm of this ratio.
  - 2. A "weighted" sound level shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of 20 micro-pascals using the "A" weighted network (scale) at slow response. The unit of measurement shall be defined as dB (A).

## ARTICLE VI: PERFORMANCE STANDARDS

### § 140-600. Application, Review, Approval, and Enforcement.

- A. Application. Permitted, conditional, and special exception uses and developments are subject to the performance standards and procedures in this section.
- B. Review. Prior to construction and operation, an application for a building permit, zoning permit or occupancy permit for a use or development which shall be subject to performance standards shall be accompanied by the following:
  - 1. A sworn statement by the owner of subject property that said use or development will be constructed and/or operated in accordance with the performance standards set forth herein;
  - 2. Any plans, drawings, details, written description, or other pertinent information determined by the Zoning Officer or appropriate reviewing body as necessary to review the proposed use or development against these standards.
  - 3. In addition, the appropriate reviewing body may also obtain a qualified consultant to prepare a report and/or testify. See § 908(1.1) of the Pennsylvania Municipalities Planning Code, Act 247, pertaining to cost for consulting services.
- C. Continued Compliance. Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be the duty of the Zoning Officer.
- D. Determination of violation. The Zoning Officer shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, the Borough of Hanover shall initiate enforcement proceedings by sending an enforcement notice as provided under § 616.1, Enforcement notice, Pennsylvania Municipalities Planning Code, Act 247.
- E. Enforcement remedies. See § 617.2, Enforcement remedies, Pennsylvania Municipalities Planning Code, Act 247 and other pertinent sections of Act 247.

### § 140-601. Air Pollution.

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to the health of persons, to animals, vegetation or other property or which can cause any excessive soiling. All matters concerning air pollution shall conform to the York County Health Department Air Pollution Control Regulations.

### § 140-602. Erosion.

Erosion by wind or water which will carry or deposit objectionable substances onto neighboring properties shall not be permitted. Provisions required by the York County Conservation District shall be applicable to all development or redevelopment.

### § 140-603. Fire Protection.

- A. New or substantially reconstructed structures shall follow building codes regarding fire protection and access for emergency vehicles.
- B. Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involves the handling or storage of flammable or explosive materials. All industrial uses shall be carried on only in buildings classified for their use and

structure by the Pennsylvania Department of Labor and Industry and shall be carried on in such a manner as to conform fully to the standards herein and with such precautions against fire and explosion hazards as to produce no exposure hazard to a use on an adjacent property, either at present or in the future.

- C. The storage, utilization or manufacture of materials or products, ranging from free to active burning as determined by the Fire Marshal, is permitted subject to compliance with all other performance standards, and provided that the following conditions are met:
  - 1. Such materials or products shall be stored, utilized or produced within completely enclosed buildings or structures reviewed by the Fire Marshal.
  - 2. If required, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the Fire Marshal.
- D. Any commercial or industrial activity, including the storage of bulk chemicals, oils, gasoline, compressed gas, etc., if not covered by local, county or state codes shall be covered by safety standards established for particular products and materials by commercial and industrial codes, regulations and laws, including the requirement to install approved and recommended smoke detectors. All activity shall be carried on only in buildings classified as acceptable by the National Board of Fire Underwriters. All new structures shall be constructed according to the Fire Protection Provisions of the Pennsylvania Department of Labor and Industry for those type buildings requiring its review and approval.

#### **§ 140-604. Hazardous Waste.**

No liquid or solid waste known to be or determined to be hazardous by the Pennsylvania Department of Environmental Protection or other appropriate state or federal agencies shall be dumped, buried or otherwise dispersed within the Borough.

#### **§ 140-605. Liquid Waste or Sewage.**

No discharge shall be permitted into a reservoir, sewage or storm disposal system, river or stream, open body of water or into the ground of any materials in such a way or of such nature or temperature as could contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements. Such objectionable contaminants or emissions must be treated so that insoluble substances (oils, grease, acids, alkalis or other chemicals) are in accordance with the standards as approved by appropriate agencies of the Pennsylvania Department of Environmental Protection and the regulations of the Borough. See Borough of Hanover Sewer Use Ordinance No. 039-84, as revised, or other establishing regulations for the discharge of sanitary sewage and industrial wastes to the public sanitary sewerage system.

#### **§ 140-606. Odor.**

No use shall emit odors in such quantities as to be readily detectable along or beyond the boundaries of the lot wherein it is located. Malodorous gas or matter shall not be permitted to be emitted which is so objectionable as to damage property interest on any neighboring lot. The control of odors must meet and comply with the York County Health Department Air Pollution Control Regulations.

#### **§ 140-607. Radioactivity or Electrical Disturbance.**

- A. No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance or adversely affecting any persons in the vicinity of such disturbance.
- B. No activity shall cause repetitive or continuous electrical disturbance adversely affecting television, radio or other equipment in the vicinity.

**§ 140-608. Smoke.**

The maximum amount of smoke emission permissible shall be determined by use of the Standard Ringlemann Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 will be allowed. Exception to this may occur when starting fires or when there is a temporary breakdown of equipment. The emission and control of smoke must comply with the York County Health Department Air Pollution Control Regulations.

**§ 140-609. Solid Waste Disposal.**

- A. No person or use shall dispose any solid waste mater or fill within the Borough. Commercial and industrial disposal shall be disposed of in a manner approved by the Department of Environmental Protection.
- B. Restaurants, meat markets and other food establishments will store and dispose of grease, lard and excess meat products (renderings) in closed containers. Vehicles transporting the above shall be covered at all times during transit. Haulers of the same shall keep all public rights-of-way free from any such products and odors from the same.
- C. No resident, owner or tenant, institution, commercial or industrial establishment shall empty any waste or water into the public sewer system which may contain fat, oil or grease exceeding the limits contained in the Borough Sewer Use Ordinance.

**§ 140-610. Stormwater Management.**

- A. Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property, and to comply with the Hanover Borough Storm Water Management Ordinance. Control measures shall include such actions as are required to meet the runoff rate and volume control requirements and construction site runoff requirements of said ordinance.
- B. Any land or homeowners, when installing or improving driveways, parking areas, adding structural additions or making other improvements, shall control stormwater runoff to prevent indiscriminate flow of water onto adjacent developed properties, in accordance with the Hanover Borough Stormwater Management Ordinance. Discharge of water shall be into natural drainage channels (on or off site) or into the municipal storm system when they are the natural area of discharge for stormwater and only when the provisions of the Stormwater Management Ordinance have been met, to the maximum extent practicable. All local, County, and State requirements for stormwater management shall be applicable.

**§ 140-611. Tree Removal.**

The following requirements and considerations relate to the control of tree removal on all property proposed for new development within the Borough of Hanover.

- A. Up to 40 percent of trees may be removed for any development with no tree replacement required.
- B. Up to 60 percent of trees may be removed for any development with tree replacement required as follows:
  - 1. One inch caliper of new tree shall be planted for every 4 inch caliper of existing tree removed.
  - 2. The species replacement of deciduous tree shall be a choice of oaks, maples, honey locust, beech, or ornamental fruit or shade trees. Each tree shall be no less than 1.5 inch caliper.



3. The species replacement of evergreen tree shall be a choice of white pine, Colorado spruce, Norway spruce, or hemlock of no less than 8 to 10 feet in height.
- C. A site plan showing all trees over 4 inch caliper is required for submittal to the Planning Commission as part of the review procedure. The site plan shall designate trees for removal and location of replacement trees.
- D. Replacement of trees cannot be used to meet other landscape requirements for street trees and buffer planting.
- E. All trees over 30 inches in diameter shall be preserved and all trees which are 16 feet beyond any proposed improvement to existing facilities (building, driveway, detention facilities, etc.) shall be saved.

**§ 140-612. Vehicle Traffic Impacts.**

- A. A traffic impact study may be required to be submitted by the applicant where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

**§ 140-613. Vibration.**

Any use or portion thereof creating intense or earthshaking vibrations shall be set back from the lot lines on all sides to a distance which will ensure that in no case shall any such vibration create a nuisance or hazard beyond such lot lines. Vibrations detectable without instruments on neighboring property shall be prohibited.

## ARTICLE VII: SIGN STANDARDS

### § 140-700. Compliance Necessary.

After this ordinance becomes effective, it shall be unlawful for any person to erect, place, alter, locate, relocate or maintain within the Borough of Hanover any sign or sign structure without complying with the procedures and requirements of this ordinance.

### § 140-701. Sign.

A lettered board, structure, wall, or other surface, or any other device used to visually announce, advertise, or convey information to the public for any purpose. Included would be:

- A. A separate structure consisting of a face or faces upon which information is portrayed, including its supporting structural elements.
- B. A structure or device erected in the form of a symbol or trademark.
- C. A structure or device attached or fastened to another structure, such as on the wall or roof of a building.
- D. A surface of a structure or device upon which lettered, pictorial, or other visual information is placed.

### § 140-702. Classification of Signs.

- A. Advertising Sign - A sign which directs attention to a business, product, service, or activity, sold or conducted at a location other than upon the premises where the sign is located.
- B. Animated Sign - A sign with action or motion, flashing lights, or color changes requiring electronic or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or pennants..
- C. Awning - Canopy or Marquee - Any structure made of cloth, metal, wood, or substitute material with a frame or rigid form attached to a building and projecting out from the building.
- D. Business Sign - A sign which announces or directs attention to a business, product, service, or activity sold or conducted on the premises where such sign is located.
- E. Directional Sign - A sign which is for directing patrons or attendants to an establishment off the main traveled thoroughfare or to service clubs, churches, or other nonprofit organizations.
- F. Ground Sign (free-standing) - A sign which is supported by uprights, columns, etc., in or upon the ground and not attached to any building.
- G. Home Occupation Sign - A sign depicting a use which is incidental or secondary to the residential use of a dwelling.
- H. Identification Sign - A sign which identifies only the occupant of the premises, the profession of the occupant, and/or the name of the building upon which the sign is placed.
- I. Illuminated Sign - A sign incorporating a source of light in order to make the message readable. Included are internally and externally lighted signs.
- J. Political Sign - A sign which takes sides in issues of public or group interest and/or advertises

candidates involved therein.

- K. Projecting Sign - A sign which is attached to a building or other structure and extends beyond the line of said building or structure.
- L. Public Service Sign - A sign erected or located by a public agency providing information or instructions.
- M. Roof Sign - A sign erected upon or above the roof or parapet wall of a building and which is wholly or partially supported by said building.
- N. Street Clock - A timepiece used as a sign upon or in a frame or structure placed or located upon the sidewalk by a person or business for the convenience of the public and which also serves as a business sign.
- O. Temporary Sign - A sign placed or erected for a limited time only.
- P. Trespassing Sign - A sign indicating the private nature of a driveway or property.
- Q. Wall Sign - A flat sign which is affixed in any manner against or parallel to any exterior wall of a building or structure and which does not extend above the parapet, eaves, or facade of the building to which it is attached.
- R. Buntings, Pennants, Banners, and Similar Materials - Are temporary signs announcing changes and/or openings for businesses and industry, and events concerning charitable, civic, and religious organizations.
- S. Sandwich Board Signs - A sign constructed of at least two (2) boards joined at the top, erected on the ground or a surface so as to form a triangular shape.
- T. Mobile Billboards - A sign constructed on a moveable framework, which can be moved from location to location. The sign has no permanent foundation in the form of footers or slab, in the ground.

#### § 140-703. Permitted Use of Signs.

The following signs as classified in § 140-702 are permitted in the Zoning Districts as indicated below. Specific regulations including size requirements must conform with the Borough Sign Ordinance of 1975. Where a permit is required, application must be filed with the Zoning Officer. No sign construction shall begin until a permit is issued.

<u>Classification</u>	<u>Permit Required</u>	<u>Where Permitted (Zoning Districts)</u>	<u>Maximum Size &amp; Sign Ordinance Regulations</u>	<u>Sign Ordinance Page Number</u>
Advertising Sign	X	HI	300 sq. ft.	46
Animated Sign	X	M, HI	300 sq. ft.	42,46
Awning - Canopy or Marquee		R-1, R-3, R-5, MU		20,23,26
Awning - Canopy or Marquee	X	D, CB, PB, M, HI	Section 107.4	36,40,45,49
Business Sign	X	MU, D, CB, PB	200 sq. ft.	29,34,37
Business Sign	X	M, HI	300 sq. ft.	42,46
Directional Sign	X	R-1, R-3, R-5, MU	8 sq. ft. Section 104.2	18,21,24
Directional Sign	X	D, CB, PB	30 sq. ft.	29,34
Directional Sign	X	M, HI	50 sq. ft.	42,46

**ARTICLE VII  
SIGN STANDARDS**

**Borough of Hanover Zoning Ordinance**

<u>Classification</u>	<u>Permit Required</u>	<u>Where Permitted (Zoning Districts)</u>	<u>Maximum Size &amp; Sign Ordinance Regulations</u>	<u>Sign Ordinance Page Number</u>
Ground Sign	X	MU, D, CB, PB, M, HI	Section 107.3	30,33,39,44,47
Home Occupation Sign	X	All Districts	2 sq. ft. Section 104.5	19,21,24,29, 34,37,42,46
Identification Sign	X	R-1, R-3, R-5	2 sq. ft. Section 105.14	19,21
Identification Sign	X	MU	6 sq. ft. Section 105.14	24
Identification Sign	X	D, CB, PB, M	20 sq. ft. Section 105.14	29,35,37
Identification Sign	X	M, HI	300 sq. ft. Section 105.14	42,46
Illuminated Sign	X	All Districts		18,21,24,30, 34,39,45,47
Political Sign	X	All Districts	30 sq. ft	29,35
Projecting Sign	X	MU, D, CB, PB, M	Section 107.2	28,33,38
Public Service Sign	X	All Districts	Section 104	18,21,24,30, 33,38,44,47
Roof Sign	X	D, CB, PB	80 sq. ft. Section 107.6	32,41
Roof Sign	X	M, HI	Section 107.6	43,50
Street Clock	X	D, CB, PB	Section 107.5	27,32
Temporary Sign		All Districts	Sections 104.6, 104.7, and 105.16	19,22,25,29, 35,37,43,48
Trespassing Sign	X	R-1, R-3, R-5	2 sq. ft. Section 105.15	19,22
Trespassing Sign	X	MU, D, CB, PB	6 sq. ft. Section 105.15	28,35,37
Trespassing Sign	X	M, HI	12 sq. ft. Section 105.15	43,48
Wall Sign	X	All Districts	Section 107.1	18,22,25,28, 34,38,43,48
Buntings, Pennants, Banners, and Similar Materials		MU, D, CB, PB, M, HI	Section 105.16	30,33,39,44,47
Sandwich Board Signs	X	MU, D, CB, PB, M, HI	32 sq. ft.	31,35,41,44,48
Mobile Billboards	X	D, CB, PB, M, HI	32 sq. ft.	31,35,41,44,49

A sign may come under more than one classification; in such cases, all and/or the most restrictive regulations apply. A new sign for a nonconforming use or a new nonconforming sign or interpretation of the permitted use of signs shall be submitted to the Zoning Hearing Board for review in accordance with Section 140-135 of the Hanover Borough Zoning Ordinance.

**§ 140-704. General Regulations for All Signs.**

- A. No sign shall be erected that by reason of position, shape or color may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.
- B. Except for a sign or lettering painted or placed directly on a door, store window, door or window frame or building trim identifying the occupant or activity of a building or structure, no sign shall be painted directly on any surface which is not in itself the sign structure in the GB District.
- C. Under no circumstance shall any sign or part thereof project over or extend beyond a point two feet inside the curb line or edge of street pavement.
- D. No part of any sign shall project or extend over any pedestrian walkway for a distance of more than four feet, and every such sign projecting out for more than two feet shall have a clear space of at least eight feet below all projecting parts.
- E. In computing the area upon which information or copy can be placed, only that face or faces which can be seen from any one direction at one time shall be counted.
- F. No signs shall be attached to or placed on any public utility pole or tree located within any public right-of-way.
- G. Illumination of any sign shall be indirect, shielded or otherwise arranged to prevent glare.
- H. All signs shall be constructed of durable materials and shall be kept in good condition and repair.
- I. All signs shall be erected or located so that they will permit free ingress to or egress from any window, door or fire escape.
- J. Indecent or obscene sign matter shall not be displayed in any manner.
- K. Every sign for which a permit is required shall have its assigned number clearly displayed on the sign face or front.
- L. Any sign erected prior to the adoption of this ordinance or as amended that does not conform if damaged to an extent of  $\frac{1}{2}$  its replacement value shall not be rebuilt. However, the normal maintenance, repainting or posting of these signs or structures shall not be a factor in determining the replacement costs.
- M. The total aggregate square footage of sign area permitted for a single business or activity located or conducted on a single property (or individual store or shop in a shopping center) shall not be more than two square feet for each lineal foot of primary property street frontage (or individual store or shop frontage in a shopping center). Under no circumstances, however, shall the total permitted aggregate sign area for any such individual business or activity exceed 200 square feet per street frontage.
- N. Identification signs, provided that:
  - 1. There is no more than one such sign for each business or activity.
  - 2. Such signs are attached to the building or structure in which the business or activity is located.
- O. Trespassing sign. No more than one such sign shall be permitted for each driveway or property.
- P. All temporary signs have a forty-five-day time limit unless otherwise provided for by this ordinance.

**§ 140-705. Billboard.**

- A. Billboard signs shall only be permitted in the Industrial (I) district. Billboard signs are regulated as a conditional use and must be the principal use to which the property is devoted. There shall be no more than one Billboard sign on any premises at any one time.
- B. In said District, a billboard shall be located within one hundred (100) feet of the center line of an arterial street as identified by the Borough, as defined by this Chapter.
- C. Billboard shall be freestanding, ground-mounted, single-column post-supported displays which have no structural contact with any building or other structure.
- D. The maximum surface area of the sign shall be two hundred (200) square feet. This area includes both sides if it is a two (2) sided sign.
- E. The maximum height of the sign shall be twenty-two (22) feet, measured from the ground to the top of the sign.
- F. Billboard that are not located at the grade of the arterial street they are located along shall be located so as to be no higher than forty (40) feet above the curb of the street from which they are intended to be viewed.
- G. No Billboard shall be placed within five hundred (500) feet of any property within a Residential District classification or any public or private school property, park, library or place of worship when the display face to the Billboard will be visible therefrom. This required distance shall be measured along the frontage of the street or highway on which the Billboard is located.
- H. No part of any Billboard shall be located closer than fifteen (15) feet to any street right-of-way. Billboard shall be subject to the side yard and rear yard setback requirements of the Industrial District unless otherwise determined by Subsection G above.
- I. No Billboard shall be erected closer than one thousand (1,000) feet to any other existing or proposed Billboard.
- J. Billboard shall be either non-illuminated or indirectly illuminated, provided that all lighting is shielded and directed in a downward direction from the top of the sign toward the ground. No LED Digital Billboards are permitted.
- K. The location of a Billboard shall not obstruct visibility of any other business sign nor shall it obstruct visibility for traffic entering or leaving any property or traveling on any street.
- L. Landscaping requirements.
  - 1. A decorative landscaped strip shall be located immediately adjoining the supporting structure of the Billboard sign and extending a minimum of five (5) feet from the Billboard in all directions.
  - 2. A hedge or other durable planting of at least two (2) feet in height, shall extend the entire length and breadth of the required landscaped strip.
  - 3. The rear side of a single-faced Billboard sign shall be of one (1) color and screened by existing or natural landscaping material or by an evergreen planting at least six (6) feet tall and extending the length of the Billboard.
  - 4. Two (2) flowering trees a minimum of six (6) feet in height shall be planted within the required landscaping strip.



## ARTICLE VIII: NON-CONFORMING LOTS, USES, STRUCTURES, AND SITE IMPROVEMENTS

### § 140-800. General.

- A. Intent. Lots, uses, structures, signs, and performance features that were lawful at the time of adoption or amendment of this Chapter but which now do not meet the regulations of this Chapter are considered non-conforming. It is the intent of this Chapter to permit these non-conformities to continue until they are removed, but not to encourage furtherance of their non-conforming aspects, as these are considered incompatible with the goals of the Comprehensive Plan and the Zoning Ordinance.
- B. Registration. Legal non-conformities should be reported to the Zoning Officer by the owner or occupant, and, upon proof of the legal origin of the non-conformity, be entered into a registry of non-conformities by the Zoning Officer after the effective date of this Ordinance. Should a non-conformity not be reported or identified, the owner of the non-conformity shall have the right to show by a preponderance of the evidence to the Zoning Officer that the non-conformity was legally in place upon the effective date of this ordinance.

### § 140-801. Non-Conforming Lots.

- A. A lot of record lawfully in existence at the effective date of adoption or amendment of this chapter that does not comply with current lot area or width regulations or both shall be considered a non-conforming lot.
- B. For any non-conforming lot under common ownership with a contiguous lot of record, the lands involved shall be considered to be an undivided parcel for the purposes of this Chapter, and no portion of the parcel shall be used or sold which does not meet lot width and area requirements established by this Chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Chapter.
- C. Development of Non-Conforming Lots.
  - 1. In any zoning district in which single-family dwellings are permitted, one single-family residential dwelling and customary accessory structures may be erected on a single non-conforming lot of record lawfully in existence at the effective date of adoption or amendment of this chapter.
  - 2. Such a lot must be in separate ownership and not continuous with other lots in the same ownership.
  - 3. All structures shall conform to the zoning district's area and bulk requirements. Variance of area, width and setback requirements shall be obtained only through action of the Zoning Hearing Board.

### § 140-802. Non-Conforming Uses.

- A. Any principal or accessory use lawfully in existence at the effective date of adoption or amendment of this chapter but not conforming to the current regulations of the district in which it is located or its specific use requirements shall be considered a non-conforming use.
- B. Continuation. Non-conforming uses may be continued so long as they remain otherwise lawful, regardless of subsequent sales of the property.

- C. Expansion. A non-conforming use may be expanded to occupy an area or intensity which is greater by 25 percent than the area occupied or intensity occurring at the effective date of adoption of this Chapter or an amendment thereto, provided that such expansion is not detrimental to or does not alter the character of the neighborhood and that approval shall be granted via a Special Exception by the Zoning Hearing Board.
- D. Change in Use.
  - 1. If a non-conforming use, or a portion thereof, is changed to a conforming use, the non-conforming use shall be considered abandoned and any future use of such building, structure or portion shall be in conformity with the regulations of this chapter.
  - 2. A non-conforming use may be changed to another non-conforming use only if permitted as a special exception by the Zoning Hearing Board, with review of a written report of the Zoning Officer, which shall include the recommendations of the Planning Commission. The following conditions shall be met:
    - a. The applicant shall show that the non-conforming use cannot reasonably be changed to a conforming use.
    - b. The applicant shall show that the proposed change will be significantly less objectionable in external effects than the existing non-conforming use with regard to:
      - 1) Traffic generation and congestion, especially truck traffic.
      - 2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
      - 3) Outdoor storage and waste disposal.
      - 4) Compatibility with the character of the surrounding area.
- E. Damage or Destruction. In the event that a non-conforming use is halted by fire, explosion or other cause beyond the owner's control, the right of such non-conforming use to exist at its current extents may continue, provided that necessary reconstruction or repair of buildings be commenced within six months from the date of the destruction or partial destruction of the building and carried to completion without undue delay.
- F. Abandonment. If a non-conforming use of land or structure ceases operation for a continuous period of more than six months, then this shall be deemed to be an abandonment of such use, which presumption shall be rebuttable to the Zoning Hearing Board, and any subsequent use of the land or structure shall conform to the regulations of this chapter.

**§ 140-803. Non-Conforming Structures.**

- A. Any principal or accessory structure lawfully in existence at the effective date of adoption or amendment of this Chapter but not conforming to the current regulations of this Chapter shall be considered a non-conforming structure.
- B. Repair and Alteration. Ordinary maintenance, repair, replacement, alteration, and modernization may be made to a non-conforming building or structure, except that all such repairs and alterations shall not increase the structure's non-conformity.
- C. Enlargement. A non-conforming structure shall not be enlarged in any manner which increases its non-conformity; any enlargement shall comply with the regulations of this Chapter. A non-conforming structure may be altered or moved to decrease its non-conformity.
- D. Damage or Destruction. In the event that a non-conforming building is damaged or destroyed by

any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter. In the event that such damage or destruction is 50 percent or less than the replacement costs of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within 12 months from the date of damage.

**§ 140-804. Non-Conforming Signs.**

- A. Any sign lawfully in existence at the effective date of adoption or amendment of this Chapter but not conforming to the current regulations of this Chapter shall be considered a non-conforming sign.
- B. Repair and Alteration. Ordinary maintenance and repair may be made to a non-conforming sign to continue its use, but a non-conforming sign shall not be enlarged, relocated, or structurally altered.
- C. Damage or Destruction. In the event that any non-conforming sign is damaged to the extent of 25% of its cost of replacement at the time of destruction, such sign shall not be restored or replaced.
- D. Signs for Discontinued Uses. Signs accessory to a ceased or abandoned use shall be removed within 30 days.
- E. Multiple Non-Conforming Signs. If the non-conformity consists of too many freestanding signs on a single lot or an excess of total sign area on a single lot, the owner may determine which sign or signs shall be altered or removed to increase conformity.

**§ 140-805. Non-Conforming Site Improvements.**

- A. Any physical improvements to a lot, including off-street parking lots, landscaping, lighting, stormwater management, which were lawfully in existence at the effective date of adoption or amendment of this Chapter but not conforming to the current regulations, shall be considered non-conforming.
- B. Repair and Alteration. Ordinary maintenance and repair may be made to a non-conforming improvements to continue its use, but a non-conforming improvement shall not be enlarged, relocated, or structurally altered without being brought into conformity with applicable standards.
- C. Redevelopment or Enlargement. New or substantial reconstruction of a principal structure on a lot shall require any non-conforming improvements on that lot to be made conforming. Enlargement of a principal structure by more than 25 percent shall require existing non-conforming improvements on that lot to be made conforming.

## ARTICLE IX – ADMINISTRATION AND ENFORCEMENT

### § 140-900. Zoning Officer.

- A. Duties of the Zoning Officer. The Zoning Officer shall be the primary official responsible for administration and enforcement of this Chapter. The Zoning Officer's duties shall include the following:
1. Zoning Permits. Receiving and reviewing applications for Zoning Permits, and enforcement of Zoning Permits.
  2. Maintenance of records of Zoning Permit applications and permits as public records.
  3. Upon request, presentation of information at meetings of the Planning Commission to assist in their decision making.
  4. Upon request, presentation of information at meetings of the Zoning Hearing Board regarding Special Exception reviews and variance requests, or testimony during appeals of decisions of the Zoning Officer.
  5. Upon request, presentation of information at meetings of Borough Council regarding Conditional Use reviews, and amendments to the Zoning Ordinance and Zoning Map.
  6. Enforcement of the provisions of this Chapter, including inspections and other means of determining compliance or non-compliance, notices of violations, and corrective orders, revocation of a Zoning Permits, or levying of fines.
  7. Maintaining this Zoning Ordinance and the Zoning Map. Upon request, the Zoning Officer shall make determination of any Zoning Map district boundary question.
  8. If approved by Borough Council, the Zoning Officer may also serve as the Building Inspector.
- B. Administration. The Zoning Officer shall administer this Chapter by its literal terms; the Zoning Officer does not have any discretionary power and shall neither waive nor tighten any requirement of the Chapter.
- C. Requirements. Candidates for the Zoning Officer position shall meet qualifications established by the Borough and the Pennsylvania Municipalities Planning Code and shall demonstrate a working knowledge of municipal zoning.
- D. Appeals of Decisions. Any interpretation, determination, requirement, or order of the Zoning Officer in the enforcement of this Chapter may be appealed to the Zoning Hearing Board. Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management shall be heard by Borough Council, as enabled by the Pennsylvania Municipalities Planning Code.

### § 140-901. Zoning Hearing Board.

- A. Creation. The Borough Council shall appoint a Zoning Hearing Board consisting of three members. Each member shall be a resident of Hanover Borough. A member of the Zoning Hearing Board shall not hold an elective office or be appointed to the Hanover Planning Commission.
- B. Terms of Office. The term for each board member is three years, arranged so that one term

expires each year. Terms of office shall expire on December 31. Any vacancy occurring during a term of office is filled only for the unexpired portion of the term.

- C. Removal. A member may be removed by a majority vote of Borough Council, based on just cause, such as malfeasance, misfeasance, or nonfeasance. The member shall be given 15 days' notice of the intent of the Council to vote on removal, and shall have a right to a hearing when requested in writing.
- D. Alternate Members. Council may appoint alternate members to participate if the Board is unable to obtain a quorum due to absence or disqualification. Once seated, the alternate shall continue to serve on the Board in all proceedings involving a case until the Board makes a decision.
- E. Procedures.
  - 1. Members of the Zoning Hearing Board qualify as "public officials" and are subject to the Pennsylvania Public Official and Employee Ethics Act, 65 Pa.C.S. § 1101 et seq. (Ethics Act).
  - 2. A quorum shall consist of a simple majority of members.
  - 3. Board members shall elect their own chairperson on an annual basis.
  - 4. The board has the power to make, alter, and rescind rules for its procedures, provided that they are consistent with the rules of the municipality and of the commonwealth.
  - 5. Full public records must be kept by the board, and such records become property of the municipality.
- F. Duties. The Zoning Hearing Board has exclusive jurisdiction over the following:
  - 1. Substantive challenges to the validity of any land use ordinance, except curative amendments (heard by Borough Council).
  - 2. Appeals from a determination of the Zoning Officer.
  - 3. Appeals from a determination by the municipal engineer or zoning officer with respect to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
  - 4. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance.
  - 5. Applications for Special Exceptions under the zoning ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance.

#### **§ 140-902. Zoning Permits.**

- A. A Zoning Permit shall be required prior to the following circumstances:
  - 1. The erection of, movement of, addition to, or structural alteration of any building, structure, or sign;
  - 2. The establishment of a new use, or expansion, intensification, or change of an existing use;
  - 3. The construction or substantial reconstruction of site improvements.
- B. Application For Zoning Permit. An applicant shall submit an application for a Zoning Permit to the Zoning Officer using a form supplied by the Borough. Projects also requiring a Building Permit under the Uniform Construction Code may submit a simultaneous Zoning Permit application. The



application shall include the following information as applicable:

1. A statement as to the proposed use of the land, including a description of the uses, quantities, and types of dwellings and other uses.
  2. A site layout drawn to scale showing the location, dimensions, and heights of buildings, structures, or uses in relation to property and street lines.
  3. Elevation drawings of buildings to illustrate height.
  4. The location and dimensions of all site improvements, including yards, landscaping, sidewalks, vehicle areas, lighting, waste equipment, and other details.
  5. The dimensions, location, and methods of illumination for signs.
  6. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
  7. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards, along with any methods to be employed in controlling any excess safety hazards.
  8. Any other data deemed necessary by the Zoning Officer to enable him to determine the compliance of the proposed development with the terms of this Chapter.
- C. Copies. The Zoning Officer shall specify the number of application copies required, reflecting filing needs and the type of review required.
- D. Application Fee. A fee schedule shall be adopted by resolution of Council, and all such fees shall be paid to the Borough of Hanover for deposit into the Borough Treasury. Fees for applications requiring a special exception or conditional use approval shall include the cost of advertising and noticing.
- E. Administrative Approval. The Zoning Officer may conduct an administrative approval for the following proposed actions. The application fee for an administrative approval shall be waived.
1. Erection, reconstruction, relocation or structural alteration of fences, retaining walls, decks, patios, unenclosed porches, canopies, balconies, carports, or agricultural buildings, or single-story accessory structures under 250 square feet in area not including wireless communication facilities.
  2. Like-to-like changes in by-right uses, or an intensification of a by-right use that does not then require additional parking.
  3. Site improvements to landscaping, waste facilities, satellite dishes, rooftop solar systems, temporary structures, mechanical or waste equipment.
- F. Application Review. The Zoning Officer shall conduct a review of the application to ensure conformity with all applicable provisions of this Chapter, and shall not approve an application unless all parts are in conformity or unless necessary variances have been secured. Any Special Exception or Conditional Use approvals shall be secured before a Zoning Permit may be approved.
- G. Issuance of Zoning Permit. A decision either approving or disapproving an application for a Zoning Permit shall be rendered within 90 days after the application is filed. Any disapproval of the application shall contain a brief explanation setting forth the reasons for the disapproval and

the manner in which the application can be corrected and/or modified to obtain the required approval. If no decision is rendered on the application within 90 days, the application shall be deemed to have been granted immediately, unless the application has agreed, in writing, to an extension of time.

- H. Expiration of Zoning Permit. A Zoning Permit shall be void after 12 months from the date of issuance, unless the work authorized by the permit shall have been substantially commenced and carried on with due diligence. If, however, the Applicant has been delayed in proceeding with the work for which the permit was granted by a reasonable cause not due to his own negligence, the permit may be renewed without additional cost to the Applicant.
- I. Certificate of Occupancy. Any project also requiring a Certificate of Occupancy under the Uniform Construction Code shall require a certification by the Zoning Officer that the work has been inspected and approved as being in conformity with the Zoning Permit.

#### **§ 140-903. Violations.**

- A. If it appears to the Zoning Officer that a violation of this Chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Chapter.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, to any other person requested in writing by the owner of record and to any other person or entity deemed appropriate by the Zoning Officer.
- C. An enforcement notice shall state at least the following:
  - 1. The name of the owner of record and any other person against whom the Borough intends to take action.
  - 2. The location of the property in violation.
  - 3. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of this Chapter.
  - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within seven days, for a hearing and review of the Zoning Hearing Officer's determination of violation. The appeal shall be filed upon actual receipt, within prescribed seven day period, by the Borough of a notice of appeal, in writing, setting forth the basis of the appeal and requesting a hearing before the Zoning Hearing Board.
  - 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

#### **§ 140-904. Remedies.**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter or a prior Zoning Ordinance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof.
- B. No judgment shall commence or be imposed, levied or be payable until the date of the

determination of a violation by the district justice.

- C. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough.
- D. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- E. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

**§ 140-905. Special Exception Procedure.**

- A. Purpose. The Special Exception process is designed to allow a careful review of uses that have potential for conflicts with adjacent uses or areas, to determine compliance with standards and criteria, to assure that the public interest is not violated, and to attach any reasonable conditions or safeguards necessary to implement the purpose of this chapter.
- B. Zoning Hearing Board. The Zoning Hearing Board, as appointed by the Borough Council in the manner prescribed by the Pennsylvania Municipalities Planning Code, shall be responsible for approval or disapproval of Special Exceptions.
- C. Hearing Required. The Zoning Hearing Board shall issue an approval or disapproval of a Special Exception only after a duly noticed public hearing. Public notice requirements and timing requirements shall be in accordance with the Municipalities Planning Code:
  - 1. Public Notice.
    - a. Hearing notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Public notice shall not be published more than 30 days from the date of the hearing or fewer than 7 days from the date of the hearing. All public notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.
    - b. Written notice shall be given to the applicant, the Hanover Planning Commission, the Zoning Officer, and to any person who has made timely request for such notice.
    - c. The Zoning Officer shall conspicuously post notice of said hearing on the affected tract of land no less than seven days prior to the date of the hearing.
    - d. In any matter which relates to a property lying within 200 feet of the boundary of another municipality, except boundaries separated by a nonintermittent river, the Zoning Officer shall transmit to the municipal clerk of this other municipality a copy of the official notice of the public hearing prior to the hearing. The other municipality shall have the right to appear and to be heard at the public hearing.
    - e. The Borough Council may, by resolution, establish a reasonable fee schedule based on cost, to be paid by the applicant for any notice required by this chapter and by persons requesting any notice not required by ordinance.

2. **Hearing Timeline.** The first hearing on the application shall be commenced within 60 days of the date of receipt of the application or appeal. Any further hearings shall be held within 45 days of a prior hearing.
- D. **Criteria for Approval.** To approve a Special Exception, the Zoning Hearing Board shall find the proposal meets all of the following criteria:
  1. The proposal conforms to all of the applicable Zoning District regulations and Specific Use regulations.
  2. The proposal conforms to all the applicable standards for site improvements and performance, and other regulations of this Chapter.
  3. The proposal also conforms to the following Special Exception criteria:
    - a. **Other Laws.** It shall not be in conflict with other Borough ordinances or state or federal laws or regulations that the Zoning Hearing Board has clear knowledge of.
    - b. **Comprehensive Plan.** It shall be generally consistent with the adopted Comprehensive Plan.
    - c. **Traffic.** It shall not result in or significantly add to a serious traffic hazard or serious traffic congestion, and shall organize vehicular access and parking to minimize traffic congestion in the vicinity of the proposed Special Exception.
    - d. **Safety.** It shall not create a significant public safety hazard, including fires, toxic or explosive hazards.
    - e. **Neighborhood.** It will not significantly impact the surrounding neighborhood with detrimental noise, dust, odor, vibration, light, hours of operation, or other disturbance or interruption.
    - f. **Design.** It will involve adequate site design methods and shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties and be consistent with the environment of the neighborhood.
  4. **Attached Conditions.** The Zoning Hearing Board may require such reasonable conditions and safeguards as it deems necessary for the proposal to meet the above criteria and implement the purposes of this chapter. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of any related Zoning Permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this Chapter.
  5. **Persons with Disabilities and/or Fair Housing Special Exceptions.** After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a Special Exception allowing modifications to specific requirements of this Chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are necessary to provide a "reasonable accommodation" under the Americans With Disabilities Act and/or the Federal Fair Housing Act and/or applicable state law, as amended, to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
- E. **Written Decision.** A written decision, with written findings, shall be issued within 45 days of the last hearing. The Zoning Officer shall attach the decision and any required conditions to any relevant Zoning Permits.
- F. **Expiration of Special Exception Approval.** Approval of a Special Exception shall become invalid if an application for a related Zoning Permit and/or Building Permit is not submitted within twelve months of the decision of the Zoning Hearing Board. If, however, the applicant has been delayed

in submitting the permit application for some reason beyond the applicant's control, the Zoning Hearing Board may extend the approval beyond the twelve-month period.

**§ 140-906. Conditional Use Procedure.**

- A. Purpose. The Conditional Use process is designed to allow a careful review of uses that have potential for conflicts with adjacent uses or areas, to determine compliance with standards and criteria, to assure that the public interest is not violated, and to attach any reasonable conditions or safeguards necessary to implement the purpose of this chapter.
- B. Borough Council. The Hanover Borough Council shall be responsible for approval or disapproval of Conditional Uses.
- C. Planning Commission review. The Hanover Planning Commission may, at its option, review a proposed conditional use application and submit an advisory recommendation to the Borough Council. The intent of this provision is to allow an additional review for proposed uses that would have wide-ranging effects.
- D. Hearing Required. The Borough Council shall issue an approval or disapproval of a Conditional Use only after a duly noticed public hearing. Public notice requirements and timing requirements shall be in accordance with the Municipalities Planning Code:
  - 1. Public Notice.
    - a. Hearing notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Public notice shall not be published more than 30 days from the date of the hearing or fewer than 7 days from the date of the hearing. All public notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.
    - b. Written notice shall be given to the applicant, the Hanover Planning Commission, the Zoning Officer, and to any person who has made timely request for such notice.
    - c. Written notice of such hearing shall be conspicuously posted on the affected tract of land no less than seven days prior to the date of the hearing.
    - d. In any matter which relates to a property lying within 200 feet of the boundary of another municipality, except boundaries separated by a nonintermittent river, the Zoning Officer shall transmit to the municipal clerk of this other municipality a copy of the official notice of the public hearing prior to the hearing. The other municipality shall have the right to appear and to be heard at the public hearing.
    - e. The Borough Council may, by resolution, establish a reasonable fee schedule based on cost, to be paid by the applicant for any notice required by this chapter and by persons requesting any notice not required by ordinance.
  - 2. Hearing Timeline. The first hearing on the application shall be commenced within 60 days of the date of receipt of the application or appeal. Any further hearings shall be held within 45 days of a prior hearing.
- E. Criteria for Approval. To approve a Conditional Use, the Borough Council shall find the proposal meets all of the following criteria:
  - 1. The proposal conforms to all of the applicable Zoning District regulations and Specific Use regulations.
  - 2. The proposal conforms to all the applicable standards for site improvements and



performance, and other regulations of this Chapter.

3. The proposal also conforms to the following Conditional Use criteria:
  - a. Other Laws. It shall not be in conflict with other Borough ordinances or state or federal laws or regulations that the Zoning Hearing Board has clear knowledge of.
  - b. Comprehensive Plan. It shall be generally consistent with the adopted Comprehensive Plan.
  - c. Traffic. It shall not result in or significantly add to a serious traffic hazard or serious traffic congestion, and shall organize vehicular access and parking to minimize traffic congestion in the vicinity of the proposed Conditional Use.
  - d. Safety. It shall not create a significant public safety hazard, including fires, toxic or explosive hazards.
  - e. Neighborhood. It will not significantly impact the surrounding neighborhood with detrimental noise, dust, odor, vibration, light, hours of operation, or other disturbance or interruption.
  - f. Design. It will involve adequate site design methods and shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties and be consistent with the environment of the neighborhood.
4. Attached Conditions. The Zoning Hearing Board may require such reasonable conditions and safeguards as it deems necessary for the proposal to meet the above criteria and implement the purposes of this chapter. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of any related Zoning Permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this Chapter.
- F. Written Decision. A written decision, with findings, shall be issued within 45 days of the last hearing. The Zoning Officer shall attach the decision and any required conditions to any relevant Zoning Permits.
- G. Expiration of Conditional Use Approval. Approval of a Conditional Use shall become invalid if an application for a related Zoning Permit and/or Building Permit is not submitted within twelve months of the decision of the Borough Council. If, however, the applicant has been delayed in submitting the permit application for some reason beyond the applicant's control, the Borough Council may extend the approval beyond the twelve-month period.

#### **§ 140-907. Variances.**

- A. Zoning Hearing Board. The Zoning Hearing Board shall be responsible for approval or disapproval of variance requests.
- B. Hearing Required. The Zoning Hearing Board shall issue an approval or disapproval of a variance request only after a duly noticed public hearing. Public notice requirements and timing requirements shall be in accordance with the Municipalities Planning Code:
  1. Public Notice.
    - a. Hearing notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Public notice shall not be published more than 30 days from the date of the hearing or fewer than 7 days from the date of the hearing. All public notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

- b. Written notice shall be given to the applicant, the Hanover Planning Commission, the Zoning Officer, and to any person who has made timely request for such notice.
  - c. The Zoning Officer shall conspicuously post notice of said hearing on the affected tract of land no less than seven days prior to the date of the hearing.
  - d. In any matter which relates to a property lying within 200 feet of the boundary of another municipality, except boundaries separated by a nonintermittent river, the Zoning Officer shall transmit to the municipal clerk of this other municipality a copy of the official notice of the public hearing prior to the hearing. The other municipality shall have the right to appear and to be heard at the public hearing.
  - e. The Borough Council may, by resolution, establish a reasonable fee schedule based on cost, to be paid by the applicant for any notice required by this chapter and by persons requesting any notice not required by ordinance.
- 2. Hearing Timeline. The first hearing on the application shall be commenced within 60 days of the date of receipt of the application or appeal. Any further hearings shall be held within 45 days of a prior hearing.
- C. Grant of Variances. The Zoning Hearing Board may grant a variance only if it makes the following findings, where relevant:
  - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
  - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance, and authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - 3. That such unnecessary hardship has not been created by the appellant.
  - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
  - 6. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.
- D. Conditions. In granting a variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of any related Zoning Permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this Chapter.
- E. Uses Not Permitted. Under no circumstances shall the Zoning Hearing Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved, or any use expressly or by implication prohibited by the terms of this Chapter in said district.

## ARTICLE X – AMENDMENTS

### § 140-1000. Enactment of Zoning Ordinance Amendments.

- A. Power to Amend. The regulations, restrictions, boundaries and requirements set forth in this chapter may, from time to time, be amended, supplemented, changed or repealed through amendment by the Hanover Borough Council, as set forth in the Pennsylvania Municipalities Planning Code.
- B. The Borough Council shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning Code. Before voting on the enactment of an amendment, the Council shall hold a public hearing thereon, pursuant to public notice and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land located within the borough, or an owner of the mineral rights in a tract or parcel of land within the municipality who has made a timely request in accordance with Pennsylvania Municipalities Planning Code Section 109.
- C. In the case of an amendment other than that prepared by the Planning Commission, the Council shall submit each such amendment to the Planning Commission to provide the Planning Commission an opportunity to submit recommendations.
- D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Council shall hold another public hearing, pursuant to mailed and electronic public notice as specified by the Pennsylvania Municipalities Planning Code, before proceeding to vote on the amendment.
- E. Prior to the public hearing on the amendment by the Council, the amendment shall be forwarded to York County and surrounding municipalities for recommendations.
- F. A copy of the adopted amendment to this Chapter shall be forwarded to York County for record.

### § 140-1001. Procedure for Landowner Curative Amendments.

- A. A landowner and/or developer who desires to challenge on substantive grounds the validity of this Chapter or the Official Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Council with a written request that his challenge and proposed amendment be heard and decided as provided in § 916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P. S. § 10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in § 610 and § 916.1 of the MPC, 53 P. S. § 10609, 10610, and 10916.1.
- B. The Council will conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning Code. If the Borough does not accept a landowner and/or developer's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Official Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. The Council, if it determines that a validity challenge has merit, may adopt landowner's curative amendment, with or without revision, or may adopt an alternative amendment, which will cure the challenged defects. The Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - 1. The impact of the proposal upon roads, sewer facilities, water supplies, school and other

- public service facilities;
2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Official Zoning Map.
  3. The suitability of the lot for the intensity of use proposed by the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
  4. The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

**§ 140-1002. Procedure for Borough Curative Amendments.**

- A. If the Borough determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:
  1. The Borough shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal Council shall:
    - a. By resolution make specific findings setting forth the declared invalidity of this Chapter, which may include:
      - i. References to specific uses that are either not permitted or not permitted in sufficient quantity;
      - ii. Reference to a class of use or uses which requires revision; or,
      - iii. Reference to this entire Chapter, which requires revisions.
    - b. Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
  2. Council will conduct hearings and make decisions in accordance with the Pennsylvania MPC.

**§ 140-1003. Content of Public Notice.**


Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Borough where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing. If the proposed amendment involves a zoning map change, notice of said public hearing shall comply with Pennsylvania Municipalities Planning Code.

ENACTED AND ORDAINED this 16<sup>th</sup> day of June, 2021.

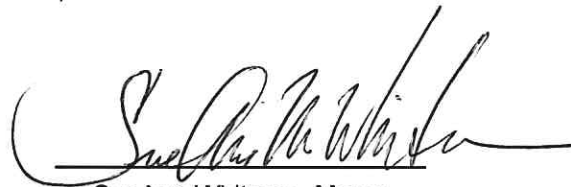
ATTEST:

BOROUGH COUNCIL OF THE  
BOROUGH OF HANOVER

  
Secretary

By:   
William W. Reichart, II, Council President

APPROVED this 16<sup>th</sup> day of June, 2021.

  
SueAnn Whitman, Mayor



